

EXHIBIT C

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 MARIO MABANTA, on behalf of
4 himself and all others that
5 are similarly situated,

6 Plaintiffs,

7 v.

CASE NO.

4:20-cv-02813-YGR

8 PRIME NOW LLC, a Delaware Corporation;
9 AMAZON.COM, INC., a Delaware
10 Corporation; and DOES 1 through 50,
11 Inclusive,

12 Defendants.

11 DEPOSITION OF MARIO MABANTA

Thursday, August 12, 2021

12 10:00 a.m. PST

13
14
15 TAKEN BY:

MICHELE MARYOTT, ESQ.

16 ATTORNEY FOR DEFENDANT
17
18
19
20
21
22
23

24 JOB NO. 4755040

REPORTED BY: BELLE VIVIENNE, CRR

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ALSO PRESENT:

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Testimony of:

MARIO MABANTA

MS. MARYOTT..... 11

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1 THE VIDEOGRAPHER: Good morning.
2 We're on the record. The time is 10:17:23
3 10:17 a.m., and the date is August 12, 10:17:26
4 2021. This video is the videotaped 10:17:30
5 deposition of Mario Mabanta. 10:17:36
6 This deposition is being taken 10:17:38
7 on behalf of counsel for defendants in 10:17:39
8 the matter of Mario Mabanta versus 10:17:41
9 Prime Now LLC, et al. This case is 10:17:43
10 filed in the United States District 10:17:47
11 Court, Northern District of 10:17:49
12 California, Case Number 10:17:51
13 4-20-cv-02813-YGR. This deposition is 10:17:54
14 being held remotely by Veritext. 10:18:03
15 My name is Sean Grant from the 10:18:06
16 firm Veritext. I'm the videographer. 10:18:09
17 The court reporter is Belle Vivienne, 10:18:11
18 also from Veritext. 10:18:14
19 Please note that audio and video 10:18:16
20 recording will take place unless all 10:18:18
21 parties have agreed to go off the 10:18:19
22 record. 10:18:21
23 At this time, will counsel 10:18:21
24 please identify themselves and state 10:18:22
25 whom they represent beginning with 10:18:25

1 Ms. Maryott. 10:18:29

2 MS. MARYOTT: Good morning. 10:18:31

3 Michele Maryott of Gibson, Dunn & 10:18:32

4 Crutcher on behalf of defendants Prime 10:18:34

5 Now and Amazon.com. 10:18:37

6 THE VIDEOGRAPHER: And with you? 10:18:39

7 MS. MARYOTT: With me is Hazel 10:18:41

8 Chuang, also Gibson Dunn. 10:18:43

9 THE VIDEOGRAPHER: Ms. Baker? 10:18:47

10 MS. BAKER: Yes. Montana Baker 10:18:48

11 of Hersh & Hersh, appearing on behalf 10:18:51

12 of Mr. Mabanta, the plaintiff. 10:18:53

13 THE VIDEOGRAPHER: And with you? 10:18:56

14 MR. GERACI: Jeff Geraci, 10:18:56

15 Cohelan, Khoury & Singer. I'm 10:18:57

16 representing Ms. Nacarino in Nacarino 10:19:00

17 versus Prime Now, a related case in 10:19:02

18 which discovery has been coordinated. 10:19:04

19 THE VIDEOGRAPHER: Thank you. 10:19:07

20 Ms. Diaz. 10:19:07

21 MS. BAKER: And Ms. Lauren Diaz 10:19:09

22 is a paralegal with Hersh & Hersh. 10:19:10

23 THE VIDEOGRAPHER: Thank you. 10:19:13

24 Mr. [sic] Cole? 10:19:14

25 MS. COLE: Yes. This is Jaime 10:19:16

1 Cole representing Amazon. 10:19:18

2 THE VIDEOGRAPHER: Thank you. 10:19:19

3 Would the certified court please swear 10:19:20

4 in the witness. 10:19:25

5 MARIO MABANTA, 10:19:25

6 having been first duly sworn by the 10:19:25

7 Certified Stenographic Realtime Reporter, 10:19:25

8 testified as follows: 10:19:39

9 THE VIDEOGRAPHER: Counsel? 10:19:39

10 EXAMINATION 10:19:39

11 BY MS. MARYOTT: 10:19:39

12 Q. Good morning, Mr. Mabanta. My 10:19:40

13 name is Michele Maryott, and I represent 10:19:41

14 the defendants in this case. I'll be 10:19:47

15 taking your deposition today. 10:19:50

16 Could you please state your full 10:19:52

17 name for the record? 10:19:53

18 A. Mario Rene Mabanta, Sr. 10:19:53

19 Q. Is that your full legal name? 10:19:55

20 A. Yes. 10:19:57

21 Q. Have you ever had your 10:19:58

22 deposition taken before? 10:19:59

23 A. No. 10:20:01

24 Q. So I'm going to go over some of 10:20:01

25 the ground rules just to make sure you 10:20:07

1 understand how today's proceeding will go. 10:20:09

2 So do you understand that the 10:20:12

3 oath that you just took is the same oath 10:20:13

4 you would take if you were in the court of 10:20:15

5 law? 10:20:18

6 A. Yes. 10:20:18

7 Q. Okay. And that's true even 10:20:19

8 though you are sitting it appears at home 10:20:21

9 today, right? 10:20:24

10 A. Yes. 10:20:25

11 Q. Okay. And do you understand 10:20:26

12 that any of the answers that you give 10:20:29

13 today can be read to a judge or a jury or 10:20:32

14 put in court pleadings? Do you understand 10:20:35

15 that? 10:20:38

16 A. Yes. 10:20:38

17 Q. I'm going to try to ask you very 10:20:39

18 clear questions, but if for some reason 10:20:42

19 you don't understand a question, I want 10:20:45

20 you to ask me to clarify it. 10:20:47

21 Does that sound fair? 10:20:49

22 A. Yes. 10:20:50

23 Q. So if you answer one of my 10:20:51

24 questions, can I assume that you heard and 10:20:53

25 understood it? 10:20:55

1	A. Yes.	10:20:57
2	Q. Everything that we say today	10:20:57
3	will be taken down by the court reporter,	10:21:02
4	and you will be able to review the	10:21:06
5	testimony and make changes if you so	10:21:08
6	desire, but I want to caution you that if	10:21:11
7	you make changes to your testimony, that I	10:21:14
8	or anyone else could comment on that, and	10:21:16
9	that could affect your credibility.	10:21:19
10	Do you understand that?	10:21:21
11	A. Yes.	10:21:22
12	Q. Is there any reason you can't	10:21:23
13	give completely truthful answers today?	10:21:25
14	A. No.	10:21:28
15	Q. There might be times when your	10:21:29
16	attorney objects for the record. You can	10:21:33
17	go ahead and answer when that happens	10:21:36
18	unless there is an instruction not to	10:21:39
19	answer, and then you can decide whether to	10:21:42
20	take that.	10:21:43
21	Do you understand that?	10:21:44
22	A. I understand.	10:21:45
23	Q. Okay. I may ask you to estimate	10:21:46
24	some things today. I'm entitled to your	10:21:51
25	best recollection of events. Do you --	10:21:54

1 but I don't want you to guess about the 10:21:57
2 answers to any of my questions. Do you 10:21:59
3 understand the difference between a guess 10:22:03
4 and an estimate? 10:22:04
5 A. Yes. 10:22:06
6 Q. Okay. Very good. 10:22:06
7 I'm going to try to take a break 10:22:09
8 every hour, but if at any time you need a 10:22:11
9 break, please go ahead and ask for one. 10:22:15
10 The only time that I would ask to hold off 10:22:18
11 on the break is if there's a question 10:22:21
12 pending. 10:22:22
13 Does that sound fair to you? 10:22:23
14 A. Yes. 10:22:24
15 Q. Okay. Have you taken any 10:22:25
16 medication that would affect your ability 10:22:30
17 to understand my questions or remember 10:22:33
18 events? 10:22:36
19 A. No. 10:22:37
20 Q. Okay. Have you gone by any 10:22:38
21 other names other than Mario Rene Mabanta, 10:22:47
22 Sr.? 10:22:47
23 (Reporter clarification.) 10:22:55
24 A. M-A-R-O-O, Maroo Mabanta. 10:22:55
25 BY MS. MARYOTT: 10:23:08

1	Q.	Do you also go by Mario	10:23:08
2		Fernandez Mabanta?	10:23:12
3	A.	Yes.	10:23:12
4	Q.	During what time period did you	10:23:19
5		go by the name Mario Fernandez Mabanta?	10:23:21
6	A.	Long time.	10:23:25
7	Q.	Could you repeat that?	10:23:25
8	A.	Long time.	10:23:32
9	Q.	A long time, okay.	10:23:32
10		And is there any reason you use	10:23:32
11		Mario Fernandez Mabanta as opposed to	10:23:34
12		Mario Rene Mabanta, Sr.?	10:23:38
13	A.	That's my legal name.	10:23:40
14	Q.	Mario Fernandez Mabanta is your	10:23:45
15		legal name?	10:23:49
16	A.	Yes.	10:23:50
17	Q.	Have you changed your legal name	10:23:52
18		at some point in time?	10:23:54
19	A.	No. That's my mother's name.	10:23:55
20	Q.	So Mario Fernandez Mabanta is	10:24:00
21		your legal name, and Mario Rene Mabanta,	10:24:04
22		Sr., is just another name that you go by?	10:24:08
23	A.	Yes.	10:24:10
24	Q.	When did you start going by	10:24:11
25		Mario Rene Mabanta, Sr.?	10:24:14

1	A.	2020.	10:24:16
2	Q.	And why did you start going by	10:24:25
3		Mario Rene Mabanta, Sr., in 2020?	10:24:27
4	A.	That's what's written on my	10:24:31
5		driver's license. In the Philippines you	10:24:34
6		have -- have different names. You have	10:24:39
7		three, four names in between.	10:24:41
8	Q.	You use three or four different	10:24:44
9		names?	10:24:46
10	A.	No, in between.	10:24:47
11	Q.	Okay. What are all the names	10:24:49
12		that you've gone by?	10:24:51
13	A.	Mario Rene Mabanta, Mario	10:24:53
14		Fernandez Mabanta. Maroo -- Maroo is --	10:24:57
15		(Reporter clarification.)	10:24:57
16	A.	-- my nickname.	10:25:11
17	BY MS. MARYOTT:		10:25:18
18	Q.	Have you gone by any other names	10:25:18
19		other than those three names?	10:25:20
20	A.	No.	10:25:22
21	Q.	And you've gone by all three	10:25:22
22		names since 2020?	10:25:24
23	A.	Yes.	10:25:27
24	Q.	But you did not go by Mario Rene	10:25:29
25		Mabanta prior to 2020?	10:25:32

1 A. No. 10:25:34

2 Q. What is your birth date? 10:25:35

3 A. FRCP 5.2 10:25:47

4 Q. And what's your current address? 10:25:49

5 A. 1691 Mesa Drive, Newport Beach, 10:25:52

6 California 92660, Apartment R-7. 10:25:57

7 Q. How long have you lived at that 10:26:01

8 address? 10:26:02

9 A. Two years. 10:26:04

10 Q. Do you own or rent that home? 10:26:05

11 A. I rent it. 10:26:08

12 Q. Do you live with anyone? 10:26:09

13 A. My wife. 10:26:12

14 Q. What's her name? 10:26:13

15 A. Maria Mabanta. 10:26:15

16 Q. Does she go by any other names? 10:26:18

17 A. Arlene, Maria Arlene Mabanta. 10:26:22

18 Q. When were you married? 10:26:25

19 A. 1979, November 12th. 10:26:28

20 Q. I'm impressed. You remember 10:26:31

21 your anniversary, well done. 10:26:34

22 Do you have any children? 10:26:36

23 A. Four. 10:26:37

24 Q. What are their names and where 10:26:38

25 do they live? 10:26:39

1 A. FRCP 5.2 10:26:52
2 (Reporter clarification.) 10:26:52
3 A. FRCP 5.2 10:26:53
4 (Reporter clarification.) 10:26:53
5 A. FRCP 5.2 10:26:59
6 FRCP 5.2 10:27:03
7 My next son is FRCP 5.2 10:27:18
8 My next son is FRCP 5.2 10:27:22
9 (Reporter clarification.) 10:27:22
10 A. FRCP 5.2 10:27:22
11 BY MS. MARYOTT: 10:27:38
12 Q. Do any of your children live 10:27:38
13 with you? 10:27:41
14 A. No. 10:27:41
15 Q. Does anyone live with you and 10:27:41
16 your wife? 10:27:45
17 A. No. 10:27:45
18 Q. Do you have any plans to move? 10:27:46
19 A. No. 10:27:48
20 Q. What is your current cell phone 10:27:54
21 number? 10:27:56
22 A. 415-866-6276. 10:27:57
23 Q. How long have you had that 10:28:01
24 number? 10:28:03
25 A. Two years now. 10:28:05

1 Q. Did you have that number while 10:28:10
2 you were employed at Prime Now? 10:28:11
3 A. Yes. 10:28:14
4 Q. Do you have any other phone 10:28:14
5 numbers that you use? 10:28:17
6 A. No. 10:28:19
7 Q. What kind of phone do you have? 10:28:19
8 A. It's an iPhone. 10:28:23
9 Q. I see you just looked down. So 10:28:24
10 I assume you have your phone with you? 10:28:28
11 A. Yes. 10:28:29
12 Q. Okay. Do you have any other 10:28:30
13 devices with you other than your computer? 10:28:32
14 A. No. 10:28:34
15 Q. Okay. And I saw that your wife 10:28:35
16 came into the picture when you were having 10:28:38
17 the -- the technical issues. Is she 10:28:40
18 assisting you today with any technical 10:28:42
19 issues? 10:28:45
20 A. Only technical issues. 10:28:47
21 Q. Okay. And is there anyone else 10:28:48
22 in the room with you right now? 10:28:52
23 A. No. 10:28:53
24 Q. And you're on a computer so we 10:28:54
25 know you own a computer. Do you own more 10:29:02

1	than one computer?	10:29:04
2	A. Yes.	10:29:06
3	Q. How many do you own?	10:29:07
4	A. We own two.	10:29:08
5	Q. And did you have those computers	10:29:12
6	while you were employed with Prime Now?	10:29:14
7	A. Yes.	10:29:16
8	Q. And are they a laptop and a	10:29:17
9	desktop?	10:29:23
10	A. Yes.	10:29:24
11	Q. Which one did you use primarily	10:29:25
12	during your employment with Prime Now?	10:29:29
13	A. Laptop.	10:29:31
14	Q. And do you share either of your	10:29:32
15	computers with anyone?	10:29:36
16	A. No.	10:29:38
17	Q. Do you share your phone with	10:29:38
18	anyone?	10:29:40
19	A. No.	10:29:40
20	Q. What is your current e-mail	10:29:41
21	address?	10:29:44
22	(Reporter clarification.)	10:29:44
23	A. Maroomaroo1112@gmail.com.	10:29:53
24	BY MS. MARYOTT:	10:29:59
25	Q. Do you have any other e-mail	10:29:59

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1	addresses?	10:30:00
2	A. No.	10:30:01
3	Q. Do you share that e-mail address	10:30:01
4	with anyone?	10:30:06
5	A. No.	10:30:06
6	Q. Does anyone have access to your	10:30:07
7	e-mail other than you?	10:30:09
8	A. My wife.	10:30:10
9	Q. Does she send any e-mails from	10:30:11
10	that address?	10:30:24
11	A. No.	10:30:25
12	MS. BAKER: Objection, calls for	10:30:25
13	speculation.	10:30:26
14	BY MS. MARYOTT:	10:30:27
15	Q. Do you have any social media?	10:30:28
16	A. No.	10:30:29
17	Q. So you're not on Instagram or	10:30:33
18	Twitter?	10:30:35
19	A. No.	10:30:35
20	Q. Did you attend high school?	10:30:36
21	A. Yes.	10:30:40
22	Q. What year did you graduate?	10:30:40
23	A. 1973.	10:30:44
24	Q. Where did you attend high	10:30:46
25	school?	10:30:47

1	A.	In Canada.	10:30:48
2	Q.	Did you attend any college?	10:30:51
3	A.	Yes.	10:30:55
4	Q.	Where did you go to college?	10:30:55
5	A.	I went to college in Canada and	10:30:58
6		the Philippines.	10:31:01
7	Q.	What college in Canada did you	10:31:02
8		attend?	10:31:06
9	A.	It was a technical school.	10:31:09
10	Q.	Was there a particular vocation	10:31:17
11		that you studied at the college in Canada?	10:31:22
12	A.	Yes, hotel restaurant	10:31:25
13		management.	10:31:27
14	Q.	And you don't recall the name of	10:31:28
15		the college?	10:31:32
16	A.	University -- no, it's not a	10:31:35
17		university. It's British Columbia	10:31:37
18		Institute of Technology.	10:31:39
19		(Reporter clarification.)	10:31:46
20	A.	Yes, BCIT.	10:31:46
21	BY MS. MARYOTT:		10:31:47
22	Q.	You mentioned that you also went	10:31:47
23		to college in the Philippines?	10:31:49
24	A.	Yes.	10:31:51
25	Q.	What college did you attend in	10:31:51

1 the Philippines? 10:31:53

2 A. Far Eastern University. 10:31:56

3 Q. What years did you attend 10:31:57

4 Far Eastern University? 10:32:00

5 A. After I graduated from high 10:32:02

6 school in the Philippines. 10:32:05

7 Q. So after you graduated from high 10:32:11

8 school in Canada -- 10:32:12

9 (Reporter clarification.) 10:32:12

10 BY MS. MARYOTT: 10:32:12

11 Q. -- in 1973, you went to 10:32:25

12 Far Eastern University in the Philippines? 10:32:27

13 A. Yes. 10:32:29

14 Q. Did you obtain a degree there? 10:32:34

15 A. Yes. 10:32:36

16 Q. In what? 10:32:38

17 A. Political science. 10:32:39

18 Q. And was it after you graduated 10:32:41

19 from Far Eastern University that you went 10:32:45

20 back to Canada and attended the technical 10:32:47

21 school? 10:32:50

22 A. Yes. 10:32:51

23 Q. Did you receive a degree or 10:32:51

24 certificate of some kind from the British 10:32:56

25 Columbia Institute of Technology? 10:33:00

1	A.	No.	10:33:02
2	Q.	Have you had any other education	10:33:03
3		other than what we've just described?	10:33:10
4	A.	No.	10:33:11
5	Q.	You haven't taken any courses of	10:33:12
6		any kind?	10:33:14
7	A.	No.	10:33:15
8	Q.	Do you hold any professional	10:33:15
9		licenses?	10:33:18
10	A.	No.	10:33:19
11	Q.	Have you at any time?	10:33:19
12	A.	No.	10:33:23
13	Q.	So generally, what was your	10:33:25
14		occupation after you graduated from	10:33:27
15		college?	10:33:30
16	A.	I was working at -- with my	10:33:32
17		brother.	10:33:38
18	Q.	In what business?	10:33:42
19	A.	The stock market.	10:33:44
20	Q.	And when you say you were	10:33:46
21		working with your brother in the stock	10:33:50
22		market, what do you mean?	10:33:52
23	A.	He was a licensed broker.	10:33:55
24	Q.	So you have held a professional	10:33:57
25		license at some point in time?	10:34:01

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1	A.	No.	10:34:03
2	Q.	Your brother did?	10:34:05
3	A.	My brother did.	10:34:06
4	Q.	Have you ever attempted to get	10:34:12
5		any of your brokerage licenses?	10:34:13
6	A.	No.	10:34:16
7	Q.	So what did you do for your	10:34:21
8		brother?	10:34:22
9	A.	Did paperwork.	10:34:22
10	Q.	And for how long did you work	10:34:27
11		with your brother?	10:34:28
12	A.	For -- I worked with him for	10:34:30
13		about two years.	10:34:31
14	Q.	Any other occupations you have	10:34:39
15		pursued since you graduated from college?	10:34:42
16		Because I have your résumé, and I see that	10:34:45
17		you list work from 2012 forward, but I'm	10:34:49
18		curious to know kind of what you did	10:34:53
19		before that.	10:34:55
20		So can you describe that for me	10:34:55
21		generally?	10:34:57
22	A.	Yes. I was working in a	10:34:58
23		foundation called My Cross Ministry --	10:35:00
24		(Reporter clarification.)	10:35:00
25	A.	-- here in the United States.	10:35:22

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1 (Reporter clarification.) 10:35:22

2 BY MS. MARYOTT: 10:35:22

3 Q. You started that in 2011, right? 10:35:23

4 A. Yes. I'm still a volunteer up 10:35:27

5 to now. 10:35:29

6 Q. So I'm trying to get a sense, 10:35:30

7 Mr. Mabanta, just very generally -- I 10:35:32

8 don't need your entire employment history, 10:35:34

9 but I'm just interested in kind of what 10:35:36

10 kind of occupation you were in between 10:35:40

11 19 -- say '79 when you graduated from 10:35:43

12 Far Eastern University and September of 10:35:47

13 2011 when you started working at My Cross 10:35:50

14 Ministry. 10:35:50

15 You mentioned your brother, but 10:35:54

16 are there any other occupations or 10:35:55

17 businesses you worked in -- 10:35:57

18 A. No. 10:35:58

19 Q. You didn't do any work between 10:35:59

20 1979 and 2011? 10:36:03

21 A. Yes, nothing. 10:36:06

22 Q. Have you ever owned a business? 10:36:09

23 A. Yes. 10:36:14

24 Q. When did you own a business? 10:36:15

25 A. 2001. 10:36:16

1 Q. And how many businesses have you 10:36:23
2 owned over time? 10:36:25
3 A. About six or seven. 10:36:27
4 Q. What were the names of the 10:36:29
5 businesses you owned? 10:36:32
6 A. Biotopical -- 10:36:41
7 (Reporter clarification.) 10:36:41
8 A. Biotopical. 10:36:41
9 BY MS. MARYOTT: 10:36:47
10 Q. Biotopical Corporation; is that 10:36:47
11 what you said? 10:36:49
12 A. Yes. 10:36:50
13 Q. So that's one. What's the next 10:36:51
14 one? 10:36:53
15 A. There's a few, but I forgot 10:36:57
16 already. Electronic Recycling 10:37:00
17 Corporation. 10:37:00
18 (Reporter clarification.) 10:37:00
19 A. Recycling. 10:37:00
20 BY MS. MARYOTT: 10:37:15
21 Q. Recycling, okay. Electronic 10:37:15
22 Recycling Corporation, that's two. 10:37:21
23 What other businesses have you 10:37:24
24 owned? 10:37:25
25 A. I can't remember. 10:37:30

1 Q. Okay. What -- what years was 10:37:31
2 Biotopical Corporation in operation? 10:37:35
3 A. 2001 to 2003. 10:37:40
4 Q. Okay. And what years was 10:37:45
5 Electronic Recycling Corporation in 10:37:47
6 operation? 10:37:50
7 A. 2001 to 2003. 10:37:51
8 Q. Okay. And what was the business 10:37:56
9 of Biotopical Corporation? 10:37:57
10 A. Making hand sanitizers. 10:38:01
11 Q. Where was that business located? 10:38:08
12 (Reporter clarification.) 10:38:11
13 A. Fountain Valley, California. 10:38:11
14 BY MS. MARYOTT: 10:38:18
15 Q. And were -- you were -- were you 10:38:18
16 the sole owner of that business? 10:38:24
17 A. No, I had a partner. 10:38:28
18 Q. Who was your partner? 10:38:29
19 A. David Lester. 10:38:31
20 Q. Did you have employees? 10:38:34
21 A. Yes. 10:38:38
22 Q. How many? 10:38:39
23 A. We had 22 employees. 10:38:41
24 Q. And what was your role in the 10:38:43
25 business? What was your position? 10:38:49

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1 A. Managing partner. 10:38:51

2 Q. The hand sanitizer that you 10:38:59

3 manufactured, did it go under a certain 10:39:03

4 brand name? 10:39:05

5 A. Yes, Sanisof. 10:39:06

6 Q. What was Mr. Lester's position 10:39:13

7 in Biotopical Corporation? 10:39:16

8 A. I would say silent partner. 10:39:20

9 Q. And so I'm assuming the location 10:39:27

10 in Fountain Valley was the manufacturing 10:39:30

11 plant; is that right? 10:39:33

12 A. Yes. 10:39:35

13 Q. And is that where you actually 10:39:35

14 manufactured the hand sanitizer? 10:39:37

15 A. Yes. 10:39:41

16 Q. And you were responsible for 10:39:41

17 handling employment matters as to your 10:39:44

18 22 employees; is that right? 10:39:47

19 A. Yes. 10:39:50

20 Q. Did you have an HR person 10:39:50

21 working in your company? 10:39:58

22 A. No. 10:39:59

23 Q. So who handled HR or human 10:39:59

24 resources rather? 10:40:02

25 A. I did. 10:40:04

1 Q. So in that role, were you 10:40:04
2 responsible for making sure your employees 10:40:08
3 got paid properly? 10:40:10
4 A. Yes. 10:40:11
5 Q. And were you also responsible 10:40:12
6 for making sure they got meal periods and 10:40:14
7 rest breaks? 10:40:18
8 A. Yes. 10:40:18
9 Q. So you were very familiar, I 10:40:19
10 assume, as the managing partner with the 10:40:21
11 rules around those issues; is that fair? 10:40:23
12 A. Yes. 10:40:26
13 Q. What happened to Biotopical 10:40:26
14 Corporation in 2003? 10:40:29
15 A. We had to close up. 10:40:31
16 Q. Why did you have to close up? 10:40:32
17 A. We ran out of funds. 10:40:34
18 Q. And as to Electronic Recycling 10:40:36
19 Corporation, what was the business of that 10:40:46
20 company? 10:40:49
21 A. Recycling of old electronics. 10:40:50
22 Q. Just like the name, got it. 10:40:55
23 And did you own that business 10:40:57
24 alone? 10:41:00
25 A. No. 10:41:01

1 Q. Did you own it with Mr. Lester? 10:41:02

2 A. Yes. 10:41:05

3 Q. Were you the managing partner, 10:41:06

4 and he was the silent partner? 10:41:09

5 A. Yes. 10:41:12

6 Q. Where was that business located? 10:41:12

7 A. Fountain Valley, California. 10:41:16

8 Q. Did you run Biotopical 10:41:19

9 Corporation and Electronic Recycling 10:41:21

10 Corporation out of the same facility? 10:41:24

11 A. Yes. 10:41:25

12 Q. What was the address? 10:41:26

13 (Reporter clarification.) 10:41:26

14 A. I can't remember. 10:41:29

15 BY MS. MARYOTT: 10:41:29

16 Q. Did Electronic Recycling 10:41:42

17 Corporation have employees? 10:41:45

18 A. Yes. 10:41:46

19 Q. How many? 10:41:47

20 A. Five. 10:41:49

21 Q. And just like with Biotopical 10:41:49

22 Corporation, were you the person 10:42:01

23 responsible for making sure you complied 10:42:02

24 with the employment laws? 10:42:03

25 A. Yes. 10:42:05

1 Q. Was another one of your 10:42:05
2 businesses Trade Show Corporation? 10:42:08
3 A. Yes. 10:42:10
4 Q. What did Trade Show Corporation 10:42:10
5 do? 10:42:12
6 A. We did trade shows. 10:42:16
7 Q. So can you describe that? 10:42:19
8 A. Yes. 10:42:22
9 (Reporter clarification.) 10:42:22
10 A. We used to go to trade shows and 10:42:22
11 do their signs. 10:42:30
12 BY MS. MARYOTT: 10:42:36
13 Q. So did you organize trade shows? 10:42:36
14 A. Yes. 10:42:39
15 Q. When was that business in 10:42:40
16 existence? 10:42:43
17 A. Same time, 2001 to 2003. 10:42:46
18 Q. And was it the same setup where 10:42:50
19 you were the managing partner and 10:42:56
20 Mr. Lester was the silent partner? 10:42:58
21 A. Yes. 10:43:01
22 Q. Did Trade Show Corporation have 10:43:02
23 any employees? 10:43:05
24 A. Two. 10:43:06
25 Q. Who were they? 10:43:08

1	A.	I don't remember anymore.	10:43:11
2	Q.	So was it you and two other	10:43:12
3		people?	10:43:14
4	A.	Yes.	10:43:15
5	Q.	So what industry did you set up	10:43:15
6		trade shows for or industries?	10:43:22
7	A.	For Biotopical and Electronic	10:43:25
8		Recycling.	10:43:29
9	Q.	So you had a separate entity	10:43:29
10		that would arrange for Biotopical and	10:43:32
11		Electronic Recycling to appear at trade	10:43:35
12		shows?	10:43:39
13	A.	Yes.	10:43:40
14	Q.	Why did you have a separate	10:43:40
15		entity for that?	10:43:44
16	A.	Well, at that time it seemed	10:43:45
17		like it was good.	10:43:46
18	Q.	So did Trade Show Corporation	10:43:51
19		shut down in 2003 as well?	10:43:56
20	A.	Yes, they all shut down.	10:43:58
21	Q.	If at any time you remember the	10:44:02
22		names of the other businesses that you've	10:44:06
23		operated, feel free to interrupt and let	10:44:09
24		me know what those -- what those are.	10:44:12
25	A.	I will.	10:44:15

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1	Q.	Do you have records that would	10:44:15
2		help you identify what those are?	10:44:17
3	A.	No, not anymore.	10:44:19
4	Q.	Okay. Are you currently	10:44:21
5		employed?	10:44:22
6	A.	No.	10:44:23
7	Q.	When was the last time you were	10:44:23
8		employed?	10:44:27
9	A.	2000- -- last year, 2020.	10:44:33
10	Q.	Where were you employed in 2020?	10:44:37
11	A.	Rapid Manufacturing.	10:44:44
12	Q.	Can you say that again?	10:44:46
13	A.	Rapid Manufacturing.	10:44:48
14	Q.	And you stopped working there in	10:44:50
15		March of 2020; is that right?	10:44:57
16	A.	Yes.	10:44:58
17	Q.	So have you held any jobs since	10:44:59
18		March of 2020?	10:45:01
19	A.	No.	10:45:02
20	Q.	Have you been self-employed in	10:45:06
21		any capacity since March of 2020?	10:45:11
22	A.	No.	10:45:15
23	Q.	Have you performed any work of	10:45:15
24		any kind since --	10:45:18
25	A.	No.	10:45:19

1 Q. -- since March of 2020? 10:45:19

2 A. No. 10:45:22

3 Q. Okay. And, Mr. Mabanta, that 10:45:22

4 reminds me, one of the things I forgot to 10:45:24

5 caution you about, and you've actually 10:45:29

6 done a very good job at this so far, is 10:45:31

7 waiting until I finish asking my question 10:45:36

8 before you answer, and I'm trying to do 10:45:38

9 the same, so we will continue to do that, 10:45:39

10 and it makes it a lot easier for the court 10:45:40

11 reporter. 10:45:43

12 Okay. So what have you been 10:45:44

13 doing since March of 2020? 10:45:46

14 A. Receiving unemployment 10:45:47

15 insurance. 10:45:48

16 Q. When you worked at Rapid 10:45:49

17 Manufacturing, did you -- what were your 10:46:00

18 job duties? 10:46:02

19 A. Quality control. 10:46:04

20 Q. So we're going to put an exhibit 10:46:05

21 up on the screen, and it's tab 2. 10:46:18

22 MS. MARYOTT: Hazel? 10:46:27

23 BY MS. MARYOTT: 10:46:30

24 Q. So, Mr. Mabanta, we're going to 10:46:30

25 test out your Exhibit Share skills like we 10:46:36

1 practiced before we got on the deposition. 10:46:42

2 A. Okay. 10:46:42

3 MS. MARYOTT: And, Hazel, just 10:47:00

4 let us know when it's showing as 10:47:02

5 loaded. That would be great. 10:47:04

6 BY MS. MARYOTT: 10:47:30

7 Q. While she's doing that, have you 10:47:32

8 applied for any positions since March of 10:47:34

9 2020? 10:47:36

10 A. I've been applying to a lot of 10:47:37

11 jobs. 10:47:39

12 Q. During what time period have you 10:47:40

13 applied for jobs? 10:47:41

14 A. From 2020 to present. 10:47:43

15 Q. And what kind of jobs have you 10:47:46

16 applied for? 10:47:48

17 A. Same, quality control. 10:47:49

18 Q. Why did you stop working at 10:47:50

19 Rapid Manufacturing? 10:47:55

20 A. I got sick, and COVID came in. 10:47:56

21 MS. CHUANG: So the exhibit 10:48:13

22 should be up. 10:48:15

23 MS. MARYOTT: Great. 10:48:16

24 BY MS. MARYOTT: 10:48:16

25 Q. So it's marked as Exhibit 2, 10:48:16

1 Mr. Mabanta. You can go ahead and open 10:48:18
2 that, and let me know when you have it 10:48:20
3 open on your screen. 10:48:22
4 (Exhibit 2, Mr. Mabanta's 10:48:23
5 résumé, marked for identification.) 10:48:23
6 A. Exhibit 2? 10:48:27
7 BY MS. MARYOTT: 10:48:28
8 Q. Yes. Do you recognize this 10:48:28
9 document as your résumé? 10:48:30
10 A. I don't have it yet. 10:48:35
11 Q. Oh, okay. 10:48:36
12 A. I have a copy of it right now 10:48:43
13 with me. 10:48:46
14 Q. I'm sorry. What did you say? 10:48:47
15 A. I have a copy with me. 10:48:48
16 Q. You have -- 10:48:50
17 MS. BAKER: Mario, are you able 10:48:52
18 to view the exhibit in Exhibit Share? 10:48:54
19 I want you to view the exhibits that 10:48:56
20 we're viewing. 10:48:58
21 THE WITNESS: I'm trying to open 10:49:00
22 it. Just a sec. 10:49:01
23 MS. BAKER: Okay. Take your 10:49:04
24 time. Are you in Exhibit Share? 10:49:05
25 THE WITNESS: Not yet. I'm 10:49:37

1 trying to look for it. I'm not good 10:49:38
2 at technical stuff. 10:49:40
3 MS. BAKER: What do you see on 10:49:55
4 your screen now? 10:49:57
5 THE WITNESS: Veritext Legal 10:50:01
6 Solution Client Portal. 10:50:05
7 MS. BAKER: And do you see a 10:50:09
8 link for Exhibit Share? 10:50:11
9 THE WITNESS: No. 10:50:13
10 MS. BAKER: Okay. 10:50:14
11 THE COURT REPORTER: Should we 10:50:17
12 go off the record? 10:50:18
13 MS. BAKER: Yeah, off the 10:50:19
14 record. 10:50:20
15 MS. MARYOTT: Actually, no. 10:50:22
16 Excuse me, Montana. Sorry. Let's 10:50:22
17 stay on the record for a minute. 10:50:26
18 BY MS. MARYOTT: 10:50:26
19 Q. Mr. Mabanta, you mentioned that 10:50:27
20 you had some document in front of you? 10:50:28
21 A. Yes. 10:50:30
22 Q. What documents do you have in 10:50:30
23 front of you? 10:50:32
24 A. My résumé. 10:50:33
25 Q. Do you have any other documents 10:50:35

1	in front of you?	10:50:37
2	A. No.	10:50:39
3	Q. And why did you have your résumé	10:50:39
4	in front of you for the deposition?	10:50:43
5	A. I don't know. I just happen to	10:50:47
6	have it here.	10:50:48
7	Q. Okay.	10:50:49
8	MS. MARYOTT: Yes. I guess	10:50:57
9	we'll have to go -- we'll go off the	10:50:58
10	record and try to help you through	10:51:01
11	the -- the technology. We had it	10:51:02
12	before the break. We'll have to work	10:51:04
13	with you to get it back up, but it	10:51:08
14	will be worth it once you do. You can	10:51:10
15	leave it up and then look at the	10:51:12
16	exhibits.	10:51:14
17	So why don't we go ahead and	10:51:14
18	take that break now.	10:51:16
19	THE WITNESS: Okay.	10:51:17
20	THE VIDEOGRAPHER: Off the	10:51:18
21	record. The time is 10:51 a.m.	10:51:19
22	(Whereupon, a recess is taken.)	11:02:01
23	THE VIDEOGRAPHER: Back on the	11:02:01
24	record. The time's 11:04 a.m.	11:04:25
25	BY MS. MARYOTT:	11:04:29

1 Q. So during the break, 11:04:29
2 Mr. Mabanta, were you able to get help 11:04:30
3 understanding how Exhibit Share works? 11:04:33
4 A. Yes. 11:04:35
5 Q. And do you now have Exhibit 2 up 11:04:36
6 on the screen in front of you? 11:04:39
7 A. I'll open it right now. 11:04:42
8 Q. You were wearing your glasses 11:04:44
9 before. Do you not need them to read on 11:04:45
10 the screen? 11:04:48
11 A. I do. 11:04:49
12 Q. Okay. Okay. So do you 11:04:50
13 recognize Exhibit 2 as your résumé? 11:04:54
14 A. Yes. 11:05:00
15 Q. Is this your most recent version 11:05:00
16 of your résumé? 11:05:04
17 A. Yes. 11:05:08
18 Q. Okay. And I see under Rapid 11:05:10
19 Manufacturing, you have the dates December 11:05:17
20 2019 to March 2019, but that's supposed to 11:05:19
21 be March 2020; is that right? 11:05:26
22 A. Yes. 11:05:29
23 Q. Is there a more recent version 11:05:29
24 of your résumé than this one? 11:05:30
25 A. No. 11:05:32

1	Q.	Now, you worked at Flipside	11:05:37
2		Times from July of 2012 to January of	11:05:40
3		2017; is that right?	11:05:43
4	A.	Yes.	11:05:44
5	Q.	Did you hold the same position	11:05:45
6		the entire time?	11:05:46
7	A.	Yes.	11:05:48
8	Q.	What exactly was your position?	11:05:50
9	A.	Managing director and marketing.	11:05:54
10	Q.	Were you an hourly employee?	11:05:56
11	A.	No.	11:06:00
12	Q.	You were salaried?	11:06:04
13	A.	Yes.	11:06:06
14	Q.	Did you supervise hourly	11:06:06
15		employees?	11:06:08
16	A.	Yes.	11:06:09
17	Q.	And were you responsible for	11:06:09
18		assisting the employees with regard to any	11:06:11
19		employment issues?	11:06:14
20	A.	Yes.	11:06:15
21	Q.	And did you have any	11:06:17
22		responsibilities around the taking of rest	11:06:19
23		breaks and meal periods?	11:06:22
24	A.	Yes.	11:06:25
25	Q.	What were your responsibilities?	11:06:26

1	A. I told them that they need to	11:06:29
2	take breaks every four hours and meal	11:06:31
3	breaks within five hours.	11:06:36
4	Q. Any other responsibilities in	11:06:38
5	that regard?	11:06:42
6	A. No.	11:06:43
7	Q. Did you advise employees about	11:06:45
8	not working off the clock?	11:06:50
9	A. Yes.	11:06:52
10	Q. What did you advise employees	11:06:54
11	about working off the clock?	11:06:56
12	(Reporter clarification.)	11:06:59
13	A. They're not allowed to do that.	11:06:59
14	BY MS. MARYOTT:	11:07:06
15	Q. Did you have any employees who	11:07:06
16	decided not to take their meal periods or	11:07:09
17	rest breaks?	11:07:12
18	A. No.	11:07:12
19	Q. You also worked for Taste	11:07:13
20	Restaurant & Night Club from January of	11:07:19
21	2015 to December of 2015?	11:07:21
22	A. Yes.	11:07:24
23	Q. So you worked there while you	11:07:24
24	were working at Flipside?	11:07:25
25	A. Yes.	11:07:28

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1 Q. And when you worked at Taste 11:07:29
2 Restaurant & Night Club, was that an 11:07:34
3 hourly position? 11:07:35
4 A. Yes. 11:07:36
5 Q. Did you clock in and out for 11:07:36
6 that job? 11:07:38
7 A. Yes. 11:07:39
8 Q. And were you aware of the rules 11:07:45
9 around when you could take meal periods 11:07:47
10 and rest breaks? 11:07:49
11 A. Yes. 11:07:49
12 Q. Did you supervise any hourly 11:07:50
13 employees when you were at Taste 11:07:51
14 Restaurant & Night Club? 11:07:55
15 A. Yes. 11:07:56
16 Q. And did you also advise them 11:07:56
17 about the rules regarding meal periods and 11:07:58
18 rest breaks? 11:08:00
19 A. Yes. 11:08:01
20 Q. Did you have any employees who 11:08:01
21 did not want to take their meal periods or 11:08:05
22 rest breaks? 11:08:08
23 A. No. 11:08:08
24 Q. Now, there are several jobs 11:08:09
25 listed on here, Volt WorkForce Solutions, 11:08:10

1 Oakley and Medtronic where you noted temp, 11:08:17
2 T-E-M-P, and then an asterisk. 11:08:21
3 Were those temporary positions? 11:08:24
4 A. Yes. 11:08:26
5 Q. And were you hired on as a 11:08:26
6 temporary employee? 11:08:29
7 A. Yes. 11:08:30
8 Q. Did you obtain those jobs 11:08:30
9 through an agency of some kind? 11:08:33
10 A. Yes. 11:08:35
11 Q. What agency did you work with? 11:08:36
12 A. I can't remember right now. 11:08:42
13 Q. Were you trying to get a 11:08:44
14 full-time job when you went to work as a 11:08:48
15 temp employee? 11:08:53
16 A. Yes. 11:08:54
17 Q. And so did Medtronic offer you a 11:08:54
18 full-time job? 11:08:59
19 A. No. 11:09:00
20 Q. Did Oakley offer you a full-time 11:09:00
21 job? 11:09:03
22 A. No. 11:09:04
23 Q. Did Volt WorkForce Solutions 11:09:04
24 offer you a full-time job? 11:09:08
25 A. No. 11:09:13

1 Q. And just so I'm clear, 11:09:13
2 Mr. Mabanta, you weren't working anywhere 11:09:17
3 in October of 2020; is that right? 11:09:21
4 A. That's right. 11:09:23
5 Q. Have you been convicted of a 11:09:23
6 crime, Mr. Mabanta? 11:09:28
7 A. Yes. 11:09:29
8 Q. What crime? 11:09:30
9 (Reporter clarification.) 11:09:30
10 A. That was -- that I can remember, 11:09:33
11 it's grand theft. 11:09:48
12 BY MS. MARYOTT: 11:09:49
13 Q. So you've been convicted of 11:09:49
14 grand theft? 11:09:51
15 A. Yes. 11:09:52
16 Q. Have you also been convicted of 11:09:52
17 unlawfully selling unqualified securities? 11:09:54
18 A. Yes. 11:09:57
19 Q. Okay. And unlawfully selling 11:09:58
20 unqualified securities was a felony? 11:10:01
21 A. Yes. 11:10:03
22 Q. And the grand theft was an 11:10:04
23 aggravated felony; is that right? 11:10:06
24 A. Yes. 11:10:08
25 Q. As part of your conviction, did 11:10:09

1 you sign a statement of the factual basis 11:10:14
2 for your plea? 11:10:17
3 A. I don't understand. 11:10:20
4 Q. Did you sign a document stating 11:10:22
5 the factual basis for your plea? 11:10:24
6 MS. BAKER: I believe he said he 11:10:27
7 doesn't understand. That's the same 11:10:29
8 question. 11:10:30
9 BY MS. MARYOTT: 11:10:30
10 Q. Did you enter -- did you enter a 11:10:36
11 plea, Mr. Mabanta? 11:10:37
12 A. Yes, I did. 11:10:38
13 Q. Did you sign something in 11:10:39
14 connection with your plea? 11:10:40
15 A. Yes. 11:10:41
16 Q. And in that plea, you admitted 11:10:41
17 that you had stolen \$125,000 from 11:10:44
18 Mr. Lester; is that right? 11:10:49
19 A. Yes. 11:10:51
20 Q. And you acknowledged that you 11:10:51
21 made false representations to Mr. Lester 11:10:55
22 to get him to give you \$125,000; is that 11:10:58
23 correct? 11:11:02
24 A. Yes. 11:11:03
25 Q. You also acknowledged in your 11:11:03

1 plea statement that you used that money 11:11:07
2 for the benefit of you and your family, 11:11:12
3 not for the stated business of the company 11:11:14
4 or the benefit of the investors, right? 11:11:17
5 A. Yes. 11:11:20
6 Q. How long was your sentence? 11:11:20
7 A. My sentence was -- I spent nine 11:11:25
8 months in prison. 11:11:32
9 Q. And your sentence was 16 months? 11:11:34
10 A. 16 months, yes. 11:11:39
11 Q. Where did you serve your 11:11:41
12 sentence? 11:11:43
13 A. In Chino. 11:11:45
14 Q. And what period of time were you 11:11:47
15 in prison? 11:11:52
16 A. 2009 January to August 2009. 11:11:52
17 Q. Did you request to withdraw that 11:12:01
18 plea at some point? 11:12:08
19 A. Yes. 11:12:11
20 Q. Why did you request to withdraw 11:12:12
21 your plea? 11:12:20
22 A. Because I didn't want it on my 11:12:21
23 record. 11:12:24
24 Q. Is there any particular reason 11:12:24
25 you didn't want it in your record? 11:12:27

1 A. Well, because I was applying for 11:12:32
2 my green card. It's been vacated. 11:12:34

3 Q. So were you allowed to withdraw 11:12:41
4 your initial guilty plea? 11:12:49

5 A. Yes. 11:12:52

6 Q. And then you entered a new 11:12:53
7 guilty plea earlier this year; is that 11:12:56
8 right? 11:12:58

9 A. Yes. 11:12:58

10 Q. And in connection with the new 11:12:59
11 plea that you entered in May of 2021, you 11:13:04
12 admitted that on October 23, 2003 and 11:13:12
13 February 10, 2004, you made fraudulent 11:13:17
14 representations and sold unqualified 11:13:21
15 stocks to Dr. Lester in exchange for 11:13:23
16 \$100,000; is that right? 11:13:26

17 A. Yes. 11:13:28

18 Q. What did the fraudulent 11:13:29
19 representations entail? 11:13:31

20 A. I was going to take the company 11:14:01
21 public. 11:14:03

22 Q. So you told Mr. Lester that you 11:14:05
23 were going to take Biotopical Corporation 11:14:07
24 public? 11:14:10

25 A. Yes. 11:14:11

1 Q. Did you also tell him you were 11:14:11
2 going to take Electronic Recycling public? 11:14:14
3 A. Yes. 11:14:17
4 Q. And that was to try to get him 11:14:18
5 to give you money? 11:14:22
6 A. Yes. 11:14:24
7 Q. In connection with your request 11:14:35
8 to withdraw your guilty plea, did you have 11:14:36
9 people submit letters to the Court? 11:14:40
10 A. Yes. 11:14:43
11 Q. Did your wife submit a letter to 11:14:43
12 the Court? 11:14:46
13 A. Yes. 11:14:47
14 Q. Did you read the letter your 11:14:48
15 wife wrote before she submitted it to the 11:14:50
16 Court? 11:14:53
17 A. No. 11:14:53
18 Q. Are you currently on probation? 11:14:53
19 A. Yes. 11:15:01
20 Q. When is your probation supposed 11:15:02
21 to end? 11:15:06
22 A. Two years -- starting May 2021, 11:15:09
23 two years from then. 11:15:19
24 Q. Have you been arrested for any 11:15:22
25 crimes other than the ones we've 11:15:30

1 discussed? 11:15:31

2 A. No. 11:15:32

3 Q. A minute ago when I asked you a 11:15:32

4 question, you were looking down. Were you 11:15:38

5 looking at a document? 11:15:40

6 A. No. 11:15:42

7 Q. Were you looking at your phone? 11:15:42

8 A. Yes. 11:15:46

9 Q. And why were you looking at your 11:15:47

10 phone? 11:15:49

11 A. There was a -- there was a text 11:15:50

12 message from my son. 11:15:54

13 Q. Okay. 11:15:56

14 MS. BAKER: Okay. Mario, I want 11:15:57

15 you to put your phone away, okay? For 11:16:00

16 the purposes of the deposition, I 11:16:02

17 understand that if we have trouble 11:16:06

18 with your audio, we need you to call 11:16:07

19 in on your phone, but other than that, 11:16:09

20 I want you to put it to the side, 11:16:10

21 okay? 11:16:12

22 THE WITNESS: Yes. 11:16:14

23 BY MS. MARYOTT: 11:16:14

24 Q. Have you been a party to any 11:16:19

25 lawsuits other than this one? 11:16:21

1	A.	No.	11:16:23
2	Q.	So you haven't sued anyone else?	11:16:23
3	A.	I sued my work.	11:16:30
4	Q.	What work?	11:16:34
5	A.	Rapid Manufacturing and Amazon	11:16:35
6	Prime.	That's it.	11:16:47
7	Q.	Why did you sue Rapid	11:16:52
8	Manufacturing?		11:16:56
9	A.	Because of the same reason we --	11:16:57
10	time.		11:17:04
11	Q.	Can you explain that?	11:17:04
12	A.	Yes. Same reason with Amazon.	11:17:06
13	Q.	So tell me what you're suing	11:17:12
14	Rapid Manufacturing for?		11:17:14
15		(Reporter clarification.)	11:17:14
16	A.	That was settled already.	11:17:19
17	BY MS. MARYOTT:		11:17:21
18	Q.	Okay. What did you sue them for	11:17:21
19	before you settled with them?		11:17:27
20	MS. BAKER:	Objection, calls for	11:17:28
21	a legal conclusion. To the extent		11:17:29
22	that you know, Mario.		11:17:31
23	BY MS. MARYOTT:		11:17:43
24	Q.	You can answer.	11:17:43
25	A.	Okay.	11:17:44

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1 Q. Do you need the question again, 11:17:53
2 Mr. Mabanta? 11:17:55
3 A. Yes, please. 11:17:56
4 Q. Okay. So what did you sue Rapid 11:17:57
5 Manufacturing for? 11:18:01
6 A. Laying me off, and I was on 11:18:06
7 medical leave. 11:18:11
8 Q. Who represented you in that 11:18:12
9 lawsuit? 11:18:16
10 A. Attorney Nami. 11:18:20
11 Q. Can you spell that? 11:18:22
12 A. N-A-M-I. N-A-M-I. 11:18:24
13 Q. Is Nami the first name or the 11:18:32
14 last name? 11:18:34
15 A. He goes by Nima Nami. That's 11:18:34
16 his full name. 11:18:44
17 Q. Okay. When did you file the 11:18:45
18 lawsuit against Rapid Manufacturing? 11:18:46
19 A. Last year. No lawsuit. It was 11:18:53
20 a demand. 11:19:01
21 Q. Can you repeat that? I'm sorry, 11:19:01
22 I didn't quite catch it. 11:19:03
23 A. It was a demand letter. 11:19:06
24 Q. So you sent a demand letter. 11:19:10
25 Did you actually file a lawsuit? 11:19:12

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1 A. No. 11:19:14

2 Q. Have you sued anyone other than 11:19:14

3 Amazon and Rapid Manufacturing? 11:19:19

4 A. Applied Medical. 11:19:23

5 Q. And what is Applied Medical? 11:19:29

6 A. It's a -- manufacturing of 11:19:33

7 medical devices. 11:19:35

8 Q. When did you sue Applied 11:19:40

9 Medical? 11:19:42

10 A. 2020. 11:19:46

11 Q. What did you sue Applied Medical 11:19:48

12 for? 11:19:51

13 MS. BAKER: Objection. Calls 11:19:52

14 for a legal conclusion. 11:19:54

15 BY MS. MARYOTT: 11:19:54

16 Q. You can answer. 11:19:59

17 A. Answer it? 11:20:00

18 Q. Yeah. 11:20:03

19 A. Yes. I was there for three 11:20:06

20 weeks, and they discard -- they -- 11:20:12

21 Q. Mr. Mabanta, are you okay? 11:20:34

22 A. Yes. 11:20:35

23 Q. Okay. Do you want to finish 11:20:35

24 that answer? 11:20:37

25 A. Yes. 11:20:38

1 Q. Okay. 11:20:40

2 A. They -- they ended my employment 11:20:41

3 for no reason. 11:20:47

4 Q. So when in 2020 were you 11:20:50

5 employed by Applied Medical? 11:20:55

6 A. Applied Medical was only for 11:20:59

7 three weeks. That's why it's not on my 11:21:01

8 résumé. I can't remember. 11:21:05

9 Q. So that -- that actually wasn't 11:21:07

10 my question -- my question, Mr. Mabanta. 11:21:09

11 So when in 2020 were you employed by 11:21:11

12 Applied Medical? 11:21:15

13 A. I do not remember. 11:21:17

14 Q. Okay. 11:21:18

15 (Reporter clarification.) 11:21:18

16 A. Should I go back on the screen? 11:21:27

17 Should I go back on the Zoom? 11:21:30

18 BY MS. MARYOTT: 11:21:32

19 Q. You're in the Zoom, Mr. Mabanta. 11:21:32

20 You're in the Zoom. We can see you and 11:21:34

21 hear you. 11:21:36

22 A. Okay. 11:21:38

23 MS. BAKER: Mario, can you see 11:21:39

24 and hear us? 11:21:40

25 THE WITNESS: Yes. 11:21:42

1 MS. BAKER: Okay. And you're 11:21:43
2 looking at Zoom, the screen with all 11:21:44
3 of us on it? 11:21:46
4 THE WITNESS: Yes, two of you. 11:21:47
5 MS. BAKER: Okay. Two of us, 11:21:50
6 okay. If we -- if you need to look at 11:21:51
7 another exhibit, we'll instruct you 11:21:56
8 when to go to the exhibit, okay? 11:21:58
9 THE WITNESS: Okay. 11:22:01
10 MS. BAKER: So for now stay in 11:22:02
11 Zoom so you can see us. We can see 11:22:05
12 you. 11:22:07
13 THE WITNESS: Okay. 11:22:07
14 BY MS. MARYOTT: 11:22:07
15 Q. So did you actually file a 11:22:09
16 lawsuit against Applied Medical? 11:22:12
17 A. It was a demand letter. 11:22:15
18 Q. And what is the status of your 11:22:20
19 claim against Applied Medical? 11:22:21
20 A. They settled it. 11:22:25
21 Q. What was your position with 11:22:27
22 Applied Medical? 11:22:35
23 A. I was assembly. 11:22:36
24 Q. And did you feel you were doing 11:22:41
25 a good job? 11:22:45

1	A. Yes, very good job.	11:22:46
2	Q. And so in connection with	11:22:56
3	Applied Medical, what were you claiming	11:22:58
4	specifically, that they shouldn't have	11:23:02
5	fired you?	11:23:04
6	A. Yes.	11:23:04
7	Q. Anything else?	11:23:04
8	A. No.	11:23:07
9	Q. Who represented you in	11:23:07
10	connection with your demand letter against	11:23:11
11	Applied Medical?	11:23:13
12	(Reporter clarification.)	11:23:13
13	A. Mr. Nami.	11:23:20
14	BY MS. MARYOTT:	11:23:24
15	Q. Have you sued anyone else or	11:23:24
16	threatened to sue anyone else?	11:23:28
17	A. No.	11:23:29
18	Q. So you haven't threatened to	11:23:30
19	anyone else other than who we've	11:23:34
20	discussed?	11:23:36
21	MS. BAKER: Objection, vague.	11:23:36
22	MS. MARYOTT: You can object to	11:23:37
23	form, Counsel. Thank you.	11:23:40
24	BY MS. MARYOTT:	11:23:40
25	Q. I'm not sure I got the answer to	11:23:49

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1 that. Have you threatened to sue anyone 11:23:51
2 other than the companies we've talked 11:23:53
3 about so far? 11:23:55
4 A. There was one more. 11:23:56
5 Q. Who else? 11:23:58
6 A. Edwards. 11:24:04
7 Q. Edwards Lifesciences? 11:24:06
8 A. Life -- Lifesciences. 11:24:11
9 Q. And when did you -- why did you 11:24:13
10 threaten to sue Edwards Lifesciences? 11:24:17
11 A. They promised me 3,000 hours, 11:24:20
12 and they took me out after one week. 11:24:23
13 Q. When were you employed by 11:24:26
14 Edwards Lifesciences? 11:24:30
15 A. I can't remember. 11:24:34
16 Q. Was it in 2020? 11:24:35
17 A. I believe it was 2020. 11:24:39
18 Q. Okay. So for how long were you 11:24:41
19 there, Mr. Mabanta? 11:24:43
20 A. I was there for two weeks. 11:24:45
21 Q. Okay. Two weeks total? 11:24:47
22 A. Yes. 11:24:49
23 Q. Do you remember roughly when 11:24:52
24 this was in 2020? 11:24:53
25 A. April or May 2020. 11:24:57

1 Q. And you said they promised you 11:24:59
2 3,000 hours? 11:25:05
3 A. Yes, in an e-mail. 11:25:07
4 Q. What was your job at Edwards 11:25:09
5 Lifesciences? 11:25:14
6 A. Assembly. 11:25:14
7 Q. And then you were fired after 11:25:16
8 two weeks? 11:25:21
9 A. Yes. 11:25:22
10 Q. And what were you given as the 11:25:23
11 reason for your termination? 11:25:26
12 A. Lack of job. 11:25:30
13 Q. Were you given any coachings 11:25:31
14 while you were at Edwards? 11:25:36
15 (Reporter clarification.) 11:25:36
16 A. We were being trained. 11:25:46
17 BY MS. MARYOTT: 11:25:47
18 Q. You were being trained? 11:25:47
19 A. Yes. 11:25:48
20 Q. Okay. What were you given as 11:25:49
21 the reason you were fired from Applied 11:25:56
22 Medical? 11:25:59
23 A. Same thing, lack of work. 11:25:59
24 Q. Okay. And so that was a threat 11:26:06
25 to sue Edwards Lifesciences; you didn't 11:26:14

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1 actually sue them; is that right? 11:26:17

2 A. Yes. 11:26:18

3 Q. Okay. And did you resolve your 11:26:19

4 claim against Edwards? 11:26:21

5 A. Yes. 11:26:23

6 Q. Okay. And that was through a 11:26:23

7 settlement? 11:26:25

8 A. Yes. 11:26:26

9 Q. And you also resolved your claim 11:26:27

10 with Applied Medical through a settlement? 11:26:29

11 A. Yes. 11:26:31

12 Q. Have you worked for anyone 11:26:32

13 else -- 11:26:34

14 A. No. 11:26:36

15 Q. -- since March of 2020? 11:26:37

16 A. No. 11:26:39

17 Q. Are you sure? 11:26:39

18 A. Yes. 11:26:41

19 Q. Have you threatened to sue 11:26:41

20 anyone other than those we've discussed? 11:26:50

21 A. No. 11:26:55

22 Q. Have you threatened to sue any 11:26:56

23 people? 11:26:58

24 A. No. 11:26:58

25 Q. Have you filed a lawsuit against 11:26:59

1	any person?	11:27:01
2	A. No.	11:27:02
3	Q. Have you been sued?	11:27:02
4	A. No, not recently.	11:27:08
5	Q. Not recently. When were you	11:27:12
6	sued?	11:27:13
7	A. I was sued by Dr. Lester in	11:27:15
8	2003, 2004.	11:27:22
9	Q. Okay. And where was that	11:27:26
10	lawsuit filed, if you know?	11:27:31
11	A. Orange County.	11:27:35
12	Q. Were you deposed in connection	11:27:37
13	with that case?	11:27:44
14	A. No.	11:27:48
15	Q. Was that -- has that case	11:27:49
16	resolved?	11:27:51
17	A. Yes.	11:27:52
18	Q. How did it resolve?	11:27:53
19	A. I won.	11:27:56
20	Q. What was the nature of the	11:27:57
21	claim?	11:27:59
22	(Reporter clarification.)	11:27:59
23	A. Something to do with horses.	11:28:01
24	BY MS. MARYOTT:	11:28:10
25	Q. What did he sue you for?	11:28:10

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1	(Reporter clarification.)	11:28:10
2	A. He owned part of the horse, but	11:28:17
3	he did not.	11:28:20
4	BY MS. MARYOTT:	11:28:25
5	Q. So you and Mr. Lester had	11:28:25
6	involvement with a horse together; is	11:28:29
7	that --	11:28:32
8	A. Yes.	11:28:33
9	Q. Okay. What -- what was the	11:28:33
10	nature of your relationship in connection	11:28:34
11	with the horse?	11:28:37
12	A. I owned the horse, and he wanted	11:28:40
13	it because it started to win.	11:28:43
14	Q. So a race horse, I presume?	11:28:46
15	A. Yes.	11:28:51
16	Q. Okay. Do you still have the	11:28:52
17	horse?	11:28:54
18	A. No.	11:28:55
19	Q. How many race horses have you	11:28:55
20	owned?	11:29:00
21	A. About 20.	11:29:01
22	Q. Okay. And did you own those as	11:29:02
23	an individual or did you have a company	11:29:07
24	that owned the horses?	11:29:10
25	A. I had a company.	11:29:11

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1 Q. What was that company? 11:29:12

2 A. Eurasia -- 11:29:28

3 (Reporter clarification.) 11:29:28

4 A. Eurasia. 11:29:28

5 BY MS. MARYOTT: 11:29:35

6 Q. So E-U-R-A-S-I-A? 11:29:35

7 (Reporter clarification.) 11:29:35

8 A. Thoroughbred Corporation. 11:29:44

9 BY MS. MARYOTT: 11:29:44

10 Q. So during what period of time 11:29:50

11 did you operate Eurasia Thoroughbred 11:29:54

12 Corporation? 11:30:00

13 A. From 2003 to 2006. 11:30:01

14 Q. Did you have investors? 11:30:03

15 A. No. 11:30:06

16 Q. And you said you owned about 20 11:30:07

17 race horses? 11:30:11

18 A. Yes. 11:30:12

19 Q. Did you use some of the money 11:30:12

20 that you got from Mr. Lester to buy those 11:30:16

21 horses? 11:30:19

22 A. No. 11:30:21

23 Q. Did you own the horses outright? 11:30:21

24 A. Yes, through the corporation. 11:30:27

25 Q. Okay. And were you the sole 11:30:29

1 owner of the corporation? 11:30:34

2 A. Yes. No. 11:30:36

3 Q. Okay. Who was -- who were the 11:30:42

4 other owners in the corporation? 11:30:45

5 A. My wife and my son. 11:30:46

6 Q. Which son? 11:30:53

7 A. Jonathan. 11:30:55

8 Q. Did you have employees? 11:30:56

9 A. Yes. 11:31:03

10 Q. How many? 11:31:04

11 A. There were five. 11:31:06

12 Q. Where were your horses boarded? 11:31:07

13 A. California. 11:31:18

14 Q. Where in California, what 11:31:18

15 stable? 11:31:20

16 A. Los Alamitos. 11:31:21

17 Q. Did Mr. Lester try to buy one of 11:31:27

18 your horses from you? 11:31:32

19 A. Yes. 11:31:33

20 Q. And that's what your dispute 11:31:33

21 with him was about? 11:31:37

22 A. Yes. 11:31:38

23 Q. And he sued you about that? 11:31:38

24 A. Yes. 11:31:40

25 Q. Okay. Why did you -- well, 11:31:41

1 strike that. 11:31:47

2 What happened to Eurasia 11:31:47

3 Thoroughbred Corporation in 2006? 11:31:52

4 A. Closed down. 11:31:53

5 Q. Why did it close down? 11:31:55

6 A. Ran out of funds. 11:31:58

7 Q. Did you try to get investors? 11:31:59

8 A. I tried to. 11:32:04

9 Q. Do you remember any of the other 11:32:07

10 businesses you've owned, Mr. Mabanta? 11:32:18

11 A. No. 11:32:20

12 Q. And you said some of the horses 11:32:21

13 were winning; is that right? 11:32:28

14 A. Yes. Most of it were winning. 11:32:32

15 Q. Where were you racing them? 11:32:35

16 A. Los Alamitos. 11:32:39

17 Q. Anywhere else? 11:32:40

18 A. Santa Anita, Del Mar, Golden 11:32:43

19 Gate. 11:32:52

20 Q. When did you begin working for 11:32:52

21 Prime Now? 11:33:03

22 A. 2019, I believe. 11:33:10

23 Q. Okay. 11:33:13

24 MS. MARYOTT: And, Hazel, if you 11:33:16

25 can go ahead and pull up tab 6, 11:33:17

1 please, which we'll mark as Exhibit 3. 11:33:19

2 MS. CHUANG: I'll let you know 11:33:31

3 when it's up. It's tab 6 you said? 11:33:32

4 MS. MARYOTT: It's tab 6. 11:33:35

5 MS. CHUANG: Okay. 11:33:38

6 BY MS. MARYOTT: 11:33:39

7 Q. So, Mr. Mabanta, do you see the 11:33:39

8 screen share -- or I'm sorry, the Exhibit 11:33:42

9 Share on your screen? 11:33:44

10 A. Tab 1, tab 2. 11:33:47

11 Q. And so we're going to load a new 11:33:49

12 one in there. 11:33:51

13 MS. CHUANG: Okay. It should be 11:33:56

14 up. 11:33:57

15 MS. MARYOTT: Okay. 11:33:58

16 (Exhibit 3, Offer Letter to 11:34:02

17 Mr. Mabanta from Amazon dated 11:34:02

18 March 18, 2018, marked for 11:34:02

19 identification.) 11:34:04

20 BY MS. MARYOTT: 11:34:04

21 Q. Okay. Do you see Exhibit 3, 11:34:04

22 Mr. Mabanta? 11:34:06

23 A. It's loading. Yes, tab 6. 11:34:10

24 Q. It's Exhibit 3, yeah. It says 11:34:18

25 tab 6. Okay. 11:34:21

1 A. It's still loading. Okay. 11:34:25

2 Q. You have it now? 11:34:29

3 A. Yes. 11:34:30

4 Q. Okay. So what's on your screen 11:34:31

5 and what has been marked as Exhibit 3 is 11:34:35

6 your offer letter from Prime Now dated 11:34:38

7 March 18, 2018. Is that what you see? 11:34:42

8 A. Yes. 11:34:46

9 Q. And that's what this document 11:34:46

10 is? 11:34:49

11 A. I see it. 11:34:50

12 Q. Do you recognize it as your 11:34:52

13 offer letter? 11:34:53

14 A. I don't remember. 11:34:54

15 Q. Do you have any reason to 11:35:00

16 believe this is not the offer letter that 11:35:04

17 you received from Prime Now? 11:35:06

18 A. I don't remember receiving any 11:35:11

19 letters from Prime. 11:35:12

20 Q. Okay. Does this letter, though, 11:35:13

21 refresh your memory that you started 11:35:21

22 working at Prime Now in March of 2018? 11:35:23

23 A. That's what it says. 11:35:37

24 Q. And you worked for Prime Now 11:35:39

25 from March 18, 2018 to December 5, 2018; 11:35:43

1	is that right?	11:35:48
2	A. Yes.	11:35:49
3	Q. How did you learn about the job	11:35:49
4	with Prime Now?	11:35:54
5	A. My daughter-in-law told me about	11:35:57
6	it.	11:35:59
7	Q. Did she work for Prime Now?	11:36:01
8	A. No.	11:36:03
9	Q. Who'd she work for?	11:36:04
10	A. She's working for a company in	11:36:07
11	Irvine.	11:36:13
12	Q. What company?	11:36:13
13	A. I don't remember. Convoy	11:36:16
14	Technologies.	11:36:20
15	Q. And what did your	11:36:20
16	daughter-in-law say to you about the job	11:36:23
17	at Prime Now?	11:36:26
18	A. She knows I was looking for a	11:36:28
19	job, so she said, Hey, I got this in the	11:36:30
20	e-mail.	11:36:33
21	Q. Why did you apply for the job	11:36:33
22	with Prime Now?	11:36:37
23	A. It was time to get a new job.	11:36:38
24	Q. Did you specifically apply to be	11:36:43
25	a shopper?	11:36:46

1	A.	No.	I was supposed to be a	11:36:47
2			driver.	11:36:50
3	Q.		You wanted to be a driver?	11:36:51
4	A.		Yes.	11:36:54
5	Q.		Why did you want to be a driver?	11:36:55
6	A.		I thought it was easier.	11:36:59
7	Q.		So you were offered a position	11:37:01
8			as a shopper, and you took it, right?	11:37:07
9	A.		Yes.	11:37:09
10	Q.		Did you continue to look for a	11:37:12
11			job elsewhere as a driver after you took	11:37:14
12			the job with Prime Now as a shopper?	11:37:16
13	A.		No.	11:37:19
14	Q.		Why not?	11:37:19
15	A.		Well, I'm a guy with loyalty. I	11:37:24
16			believe in working for one company.	11:37:38
17	Q.		So just one company at a time?	11:37:46
18	A.		Yes.	11:37:48
19	Q.		Did you know anyone who was	11:37:49
20			employed as a shopper with Prime Now?	11:37:53
21	A.		No.	11:37:56
22	Q.		How did you go about applying	11:37:56
23			for that job?	11:38:00
24	A.		It was like a job fair. We all	11:38:04
25			met at the Holiday Inn.	11:38:09

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1 Q. Were there other companies at 11:38:14
2 the job fair? 11:38:16
3 A. No, just only Prime Now. 11:38:17
4 Q. And did you apply while you were 11:38:20
5 at the job fair? 11:38:23
6 A. Yes. 11:38:24
7 Q. Did you do that on paper or 11:38:25
8 electronically? 11:38:29
9 A. Paper. 11:38:30
10 Q. And were you interviewed while 11:38:31
11 you were at the job fair? 11:38:36
12 A. Yes. 11:38:40
13 Q. Do you recall who interviewed 11:38:40
14 you? 11:38:41
15 A. No. 11:38:42
16 Q. Okay. Were you given the job on 11:38:42
17 the spot? 11:38:46
18 A. No. 11:38:47
19 Q. How much longer after the job 11:38:48
20 fair did you receive the offer? 11:38:51
21 A. A week after. 11:38:53
22 Q. Why were you looking for a job, 11:38:55
23 Mr. Mabanta? 11:39:05
24 A. I needed money. 11:39:06
25 Q. And so you understood when you 11:39:08

1 were hired at Prime Now that you would be 11:39:17
2 working 20 hours or less a week? 11:39:21
3 A. No, that was not mentioned. 11:39:24
4 Q. If you look at Exhibit 3, the 11:39:27
5 first paragraph says "On behalf of Prime 11:39:39
6 Now LLC (the 'Company'), I am very pleased 11:39:45
7 to offer you the Regular Adjustable Hours 11:39:47
8 (less than 19 hours) position of Prime Now 11:39:51
9 Associate." 11:39:54
10 Do you see that? 11:39:55
11 A. Yes. 11:39:56
12 Q. Okay. So does that refresh your 11:39:56
13 memory that your expectation was that you 11:39:59
14 were going to work less than 20 hours a 11:40:01
15 week? 11:40:04
16 A. No. I expected to work 40 hours 11:40:04
17 a week. 11:40:10
18 Q. Where did you get that 11:40:10
19 expectation? 11:40:14
20 A. It was a job. I didn't know it 11:40:16
21 was part-time. They never mentioned it to 11:40:18
22 me during the job fair. 11:40:28
23 Q. Mr. Mabanta, is it your practice 11:40:30
24 to read things before you sign them? 11:40:32
25 A. Yes. 11:40:34

1 Q. And if you have questions, is it 11:40:34
2 your practice to ask them before you sign 11:40:37
3 something? 11:40:39

4 A. Yes. 11:40:40

5 Q. And is it generally your 11:40:41
6 practice to ask questions if you have 11:40:43
7 them? 11:40:44

8 A. Yes. 11:40:46

9 Q. You mentioned that you only work 11:40:58
10 for one employer at a time, but you were 11:41:02
11 working on a movie shoot while you were at 11:41:05
12 Prime Now. 11:41:07

13 Was there a business that you 11:41:08
14 ran involving the entertainment industry? 11:41:09

15 A. No. 11:41:12

16 Q. Okay. What was the movie shoot 11:41:12
17 you were involved in while you were 11:41:14
18 employed at Prime Now? 11:41:16

19 A. There was -- 11:41:19

20 (Reporter clarification.) 11:41:19

21 A. There was a lady at Prime Now, 11:41:26
22 one of the shoppers, she said, Do you want 11:41:30
23 to be an extra? I said, Sure. 11:41:34

24 BY MS. MARYOTT: 11:41:34

25 Q. So the lady at Prime Now, was 11:41:42

1 she an employee or a customer? 11:41:44

2 A. Employee. 11:41:46

3 Q. What was her name? 11:41:47

4 A. I don't remember. I got her 11:41:49

5 card somewhere. 11:41:54

6 Q. And so were you paid as an extra 11:41:56

7 on this movie shoot? 11:42:01

8 A. I did not take it. 11:42:03

9 Q. You didn't, okay. 11:42:06

10 So there wasn't an occasion 11:42:16

11 where you told someone at Prime Now that 11:42:19

12 you needed to not work on a certain day 11:42:22

13 because of a movie shoot? 11:42:24

14 A. Yes. That's why I didn't take 11:42:26

15 it. 11:42:32

16 Q. What were your -- you know what? 11:42:41

17 We've been going probably I think about an 11:42:42

18 hour since we came back from the technical 11:42:45

19 difficulties, so why don't we go ahead and 11:42:48

20 take a five-minute break. 11:42:50

21 MS. MARYOTT: Is that okay with 11:42:53

22 everyone? 11:42:53

23 THE WITNESS: It is okay with 11:42:55

24 me. 11:42:57

25 MS. MARYOTT: Is that long 11:42:59

1 enough for you, Belle? 11:43:01

2 THE COURT REPORTER: If we 11:43:11

3 could -- yes, sure. 11:43:11

4 MS. MARYOTT: Belle, it's close 11:43:11

5 to noon. Do you prefer -- 11:43:11

6 THE COURT REPORTER: Can we go 11:43:12

7 off the record for these 11:43:13

8 conversations? I'm sorry. 11:43:14

9 THE VIDEOGRAPHER: Going off the 11:43:15

10 record. The time is 11:43 a.m. 11:43:15

11 (Whereupon, a brief recess is 11:54:20

12 taken.) 11:54:20

13 THE VIDEOGRAPHER: Back on the 11:54:20

14 record. The time is 11:54 p.m. 11:54:43

15 BY MS. MARYOTT: 11:54:46

16 Q. Mr. Mabanta, what were your 11:54:48

17 duties as a shopper? 11:54:49

18 A. If I can remember right, we had 11:54:55

19 to shop for items that was given to us by 11:54:57

20 the iPhone that they give us, items on 11:55:03

21 iPhone. 11:55:12

22 Q. Okay. And you worked in a 11:55:13

23 store; is that right? 11:55:15

24 A. Yes. 11:55:17

25 Q. Okay. And the iPhone, was that 11:55:17

1	called the seller phone?	11:55:22
2	A. Yes.	11:55:24
3	Q. Did you like the work?	11:55:24
4	A. Yes.	11:55:27
5	Q. What did you like about it?	11:55:27
6	A. It was easy.	11:55:30
7	Q. Anything else?	11:55:31
8	A. That's it.	11:55:35
9	Q. Do you still have Exhibit 3 up	11:55:36
10	on the screen?	11:55:41
11	A. Yes.	11:55:42
12	Q. Okay. When you were hired, you	11:55:42
13	understood that you would select your own	11:55:46
14	schedule each week; is that right?	11:55:48
15	A. Yes.	11:55:50
16	Q. And you could choose to work	11:55:52
17	certain weeks and not work other weeks,	11:55:55
18	right?	11:55:57
19	A. Yes.	11:55:58
20	Q. So you had a lot of flexibility?	11:55:58
21	A. Yes.	11:56:01
22	Q. And you understood based on	11:56:02
23	reviewing the offer letter that you could	11:56:04
24	schedule up to 20 hours per week?	11:56:06
25	A. I never received the -- the	11:56:09

1 letter. 11:56:11

2 Q. Okay. So, Mr. Mabanta, down at 11:56:11

3 the bottom of Exhibit 3, there's a 11:56:16

4 signature line. Do you see that? 11:56:20

5 A. Yes. 11:56:22

6 Q. Okay. And it shows that you 11:56:22

7 DocuSigned it. Do you see that? 11:56:25

8 A. No. Yes, I see it, but I didn't 11:56:28

9 sign it. 11:56:32

10 Q. And how are you so sure? 11:56:33

11 A. Because I don't have the ability 11:56:36

12 to sign it before. I don't have the -- 11:56:37

13 Q. You didn't have the ability to 11:56:41

14 DocuSign? 11:56:43

15 A. Yes. 11:56:46

16 Q. And why do you think you didn't 11:56:46

17 have the ability to DocuSign? I don't 11:56:49

18 understand. 11:56:52

19 A. Because my computer won't -- I 11:56:52

20 only have -- I have an old desktop. 11:56:54

21 Q. But you have a laptop too? 11:57:03

22 A. I bought it after. 11:57:05

23 Q. When did you buy the laptop? 11:57:07

24 A. When I wasn't there anymore. 11:57:12

25 Q. So you didn't have the laptop 11:57:15

1 during your employment with Prime Now? 11:57:18

2 A. Yes. 11:57:20

3 Q. Yes? So that's correct. 11:57:20

4 So if I'm understanding what 11:57:24

5 you're saying now, you didn't own the 11:57:26

6 desktop and the laptop while you were 11:57:29

7 employed at Prime Now; is that correct? 11:57:31

8 A. No. 11:57:33

9 Q. Okay. So you bought the laptop 11:57:34

10 after you started at Prime Now? 11:57:38

11 A. Yes. 11:57:40

12 Q. Got it. Okay. Okay. 11:57:40

13 But you understood that you 11:57:49

14 could schedule around your personal life, 11:57:51

15 right? 11:57:54

16 A. Right, I found that out after. 11:57:54

17 Q. When did you find that out? 11:58:02

18 A. When I was working already. 11:58:03

19 Q. Okay. So someone explained to 11:58:05

20 you -- 11:58:09

21 A. Yes, a coworker. 11:58:09

22 Q. What did your coworker explain 11:58:11

23 to you about selecting shifts? 11:58:16

24 A. Because I was asking him, How do 11:58:19

25 you get shifts? He said, Use your iPhone. 11:58:21

1 Q. What else did this coworker tell 11:58:32
2 you? 11:58:34
3 A. That's it. 11:58:36
4 Q. Did you like being able to 11:58:37
5 select your own schedule? 11:58:40
6 A. Yes. 11:58:43
7 Q. And you said a few minutes ago 11:58:46
8 that you wanted to work 40 hours a week. 11:58:47
9 A. Yes. 11:58:51
10 Q. Did you ask anybody at Prime Now 11:58:51
11 about working more than 20 hours a week? 11:58:55
12 A. No. 11:58:58
13 Q. Why not? 11:58:59
14 A. I didn't think there was -- I 11:59:03
15 thought there was only 40 hours a week. I 11:59:04
16 didn't know about -- I thought it was 11:59:06
17 regular schedule. 11:59:08
18 Q. What do you mean? 11:59:10
19 A. I'm not sure. 11:59:16
20 Q. So when you started working at 11:59:17
21 Prime Now, you started scheduling your 11:59:26
22 shifts, right? 11:59:28
23 A. Yes. 11:59:29
24 Q. Okay. Did you try to schedule 11:59:30
25 more than 20 hours in a week? 11:59:33

1	A.	Yes.	11:59:35
2	Q.	And were you allowed to do that?	11:59:36
3	A.	No.	11:59:39
4	Q.	So at the point that you learned	11:59:40
5		you couldn't schedule more than 20 hours a	11:59:42
6		week, did you approach a manager or anyone	11:59:44
7		at Prime Now and say, I'm interested in	11:59:47
8		working more than 20 hours a week?	11:59:50
9	A.	No.	11:59:52
10	Q.	Why not?	11:59:52
11	A.	I didn't know.	11:59:54
12	Q.	Okay. Did you like being able	11:59:56
13		to select your own schedule?	12:00:12
14	A.	Yes.	12:00:14
15	Q.	What did you like about it?	12:00:14
16	A.	Flexibility.	12:00:18
17	Q.	Now, you mentioned that a	12:00:19
18		coworker explained to you how to log on	12:00:28
19		for your shifts. Did you receive training	12:00:29
20		about that before you had this	12:00:33
21		conversation with your coworker?	12:00:35
22	A.	No.	12:00:37
23	Q.	So is this something you had a	12:00:37
24		discussion about on the first day that you	12:00:40
25		showed up?	12:00:42

1	A.	No.	12:00:43
2	Q.	When did you have this	12:00:43
3		conversation?	12:00:44
4	A.	We did not.	
5	Q.	Say it again?	
6	A.	We did not.	
7	Q.	You didn't have a conversation	
8		with your coworker about --	
9		(Reporter clarification.)	
10	A.	When we were working.	12:01:04
11	BY MS. MARYOTT:		12:01:05
12	Q.	How long after you started at	12:01:05
13		Prime Now did you have this conversation	12:01:10
14		with your coworker?	12:01:13
15	A.	I don't remember.	12:01:17
16	Q.	Can you give me an estimate?	12:01:17
17		Was it the first week, the first few days?	12:01:20
18	A.	The first week.	12:01:23
19	Q.	Okay. Who was the coworker?	12:01:25
20	A.	I don't remember.	12:01:27
21	Q.	Was it a man or a woman?	12:01:28
22	A.	A man.	12:01:32
23	Q.	Who is David Curtis?	12:01:33
24	A.	He was supposed to be my	12:01:41
25		manager.	12:01:42

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1 Q. Did you talk to Mr. Curtis about 12:01:43
2 how to log in and schedule your shifts? 12:01:49
3 A. No. 12:01:53
4 Q. Did you go through training when 12:01:53
5 you started at Prime Now? 12:01:59
6 A. No. 12:02:01
7 Q. You didn't have any training at 12:02:01
8 all? 12:02:04
9 A. None. 12:02:05
10 Q. So how did you learn how to use 12:02:05
11 Amazon Moment? 12:02:14
12 A. Through my coworker. 12:02:16
13 Q. And how did you learn how to 12:02:18
14 select from produce and fill the orders? 12:02:21
15 A. It was on the seller's -- 12:02:35
16 (Reporter clarification.) 12:02:35
17 A. On the seller's -- what they 12:02:44
18 call that thing. 12:02:44
19 BY MS. MARYOTT: 12:02:46
20 Q. Seller's phone. 12:02:46
21 A. Seller's phone, you see what to 12:02:48
22 pick. 12:02:52
23 Q. Okay. And so going back to -- 12:02:52
24 you understand what Amazon Moment is, 12:02:58
25 right? 12:03:01

1	A.	Now I do.	12:03:03
2	Q.	What -- now you do. When did	12:03:04
3		you first understand what Amazon Moment	12:03:10
4		was?	12:03:12
5	A.	When I was working already.	12:03:13
6	Q.	Okay. And what is Amazon	12:03:14
7		Moment?	12:03:17
8	A.	You can order to be delivered	12:03:20
9		within two hours.	12:03:23
10	Q.	So, Mr. Mabanta, did you use	12:03:27
11		Amazon Moment to select your shifts?	12:03:37
12	A.	I don't remember.	12:03:45
13	Q.	Do you think maybe you're	12:03:46
14		confusing Amazon Moment, which you used to	12:03:47
15		select your shifts, and Prime Now, the app	12:03:52
16		through which people can order products?	12:03:54
17	A.	Yes, I'm confused.	12:03:58
18	Q.	Okay. Were you confused about	12:03:59
19		the technology when you worked at Amazon?	12:04:01
20	A.	Yes.	12:04:05
21	Q.	So we know, Mr. Mabanta, that	12:04:05
22		you successfully signed up for shifts	12:04:15
23		because you performed work at Prime Now;	12:04:19
24		is that fair to say?	12:04:22
25	A.	Yes.	12:04:23

1 Q. So walk me through what you 12:04:24
2 would do on your phone or computer in 12:04:28
3 order to sign up for your shifts. 12:04:32
4 A. I log in. 12:04:35
5 Q. Log in to what? 12:04:41
6 A. To my phone. 12:04:43
7 Q. What application? 12:04:45
8 A. I don't remember anymore. It's 12:04:50
9 been a long time. 12:04:52
10 Q. Okay. So you would log in. How 12:04:54
11 did you log in? 12:04:56
12 A. I would log in to my phone. 12:05:04
13 Q. Okay. Did you have a username? 12:05:13
14 A. Yes, I have a username and 12:05:15
15 password. 12:05:18
16 Q. Okay. And was it your practice 12:05:19
17 to log in to sign up for shifts on your 12:05:23
18 phone? 12:05:27
19 A. Yes. 12:05:30
20 Q. Okay. Did you ever use one of 12:05:31
21 your computers to log in and sign up for 12:05:33
22 shifts? 12:05:38
23 A. A desktop. 12:05:38
24 Q. Desktop. I'm getting an echo. 12:05:41
25 Is someone in the room with you? 12:05:46

1	which one?	12:06:57
2	A. Well, I'm assuming it's	12:06:58
3	MMabanta.	12:07:00
4	Q. And you had to log in using your	12:07:01
5	username and then enter a password every	12:07:07
6	time; is that right?	12:07:10
7	A. Yes.	12:07:10
8	Q. Okay. And you understood that	12:07:11
9	the passwords were case sensitive, right?	12:07:14
10	A. Yes.	12:07:18
11	Q. Okay. So your password had to	12:07:18
12	be typed in exactly right with capitals	12:07:23
13	and the lowercase letters in order to get	12:07:26
14	into the system; is that right?	12:07:29
15	A. Yes.	12:07:30
16	Q. And did you have difficulty with	12:07:31
17	capital -- you know, cap lock on your	12:07:38
18	phone or desktop?	12:07:40
19	A. No.	12:07:41
20	Q. Did you ever have to change your	12:07:42
21	password because you couldn't get in?	12:07:45
22	A. Yes.	12:07:48
23	Q. How many times did you change	12:07:49
24	your password at Amazon Moment?	12:07:51
25	A. Maybe a dozen times.	12:07:55

1 Q. And why did you change your 12:07:56
2 password so much? 12:08:01
3 A. Technical issue. 12:08:06
4 Q. Technical issue? 12:08:06
5 A. Yes. 12:08:07
6 Q. What was the technical issue on 12:08:08
7 those occasions? 12:08:10
8 A. I couldn't get in, so I had to 12:08:12
9 go over to the fulfillment center to -- to 12:08:16
10 ask for help. 12:08:24
11 Q. So when you were trying to get 12:08:25
12 in using your password, did you check to 12:08:32
13 make sure that you didn't have the caps 12:08:34
14 lock on, for example? 12:08:38
15 A. Yes. 12:08:40
16 Q. Okay. And so when you had 12:08:40
17 trouble working your password, that's when 12:08:44
18 you would change your password? 12:08:47
19 A. Yes. 12:08:49
20 Q. Did you write your password down 12:08:51
21 somewhere? 12:08:52
22 A. Yes, always. 12:08:53
23 Q. So once you were logged on to 12:08:54
24 select your shifts, what was the next 12:09:07
25 step? 12:09:11

1 A. Ask for shifts. That's always 12:09:12
2 been taken -- all the shifts been taken 12:09:17
3 already. 12:09:20
4 Q. So my question was: After you 12:09:20
5 log in, what is the next step to look for 12:09:21
6 shifts? 12:09:24
7 A. You look for shifts in the -- 12:09:26
8 (Reporter clarification.) 12:09:26
9 A. -- app. 12:09:30
10 BY MS. MARYOTT: 12:09:33
11 Q. Was there a menu of option items 12:09:33
12 that you could select from? 12:09:37
13 A. No, not that I know of. 12:09:40
14 Q. So as soon as you logged in, 12:09:42
15 what did you see? 12:09:43
16 A. I don't remember anymore. 12:09:47
17 Q. Did you take any screenshots of 12:09:49
18 the app as you were trying to work through 12:09:56
19 it? 12:10:00
20 A. Yes. 12:10:01
21 Q. What did you do with those 12:10:02
22 screenshots? 12:10:04
23 A. I sent it to David Curtis. 12:10:05
24 Q. And did you keep those 12:10:14
25 screenshots? 12:10:16

1	A.	Brea. Laguna Niguel.	12:11:28
2		(Reporter clarification.)	12:11:28
3	A.	Brea.	12:11:28
4	BY MS. MARYOTT:		12:11:28
5	Q.	Brea, B-R-E-A.	12:11:30
6		THE COURT REPORTER: Thank you.	12:11:32
7		MS. MARYOTT: Sure.	12:11:32
8	BY MS. MARYOTT:		
9	Q.	Laguna Niguel. Any other	
10		source?	
11		(Reporter clarification.)	
12	BY MS. MARYOTT:		
13	Q.	Laguna Niguel, N-I-G-U-E-L.	12:11:43
14	A.	Tustin.	12:11:49
15	Q.	And Tustin was the Jamboree	12:11:50
16		store?	12:11:52
17	A.	Yes.	12:11:53
18	Q.	So when you would go in to look	12:11:54
19		for shifts, would you look at one location	12:11:56
20		at a time?	12:11:58
21	A.	Yes. You can only look up one	12:11:59
22		location at a time.	12:12:02
23	Q.	And where would you go first?	12:12:02
24	A.	Brea or Laguna Niguel.	12:12:05
25	Q.	How would you decide which one	12:12:09

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1 to go to first? 12:12:11

2 A. Which one have shifts available. 12:12:13

3 Q. Mr. Mabanta, I thought you just 12:12:15

4 said you could select the location. So 12:12:20

5 which one would you typically go to first? 12:12:21

6 A. Laguna Niguel and Brea. 12:12:24

7 Q. Okay. So you would check Laguna 12:12:30

8 Niguel first? 12:12:33

9 A. Yes. 12:12:34

10 Q. And then you would check Brea? 12:12:34

11 A. Yes. 12:12:36

12 Q. Was Laguna Niguel your preferred 12:12:37

13 location? 12:12:43

14 A. Yes. 12:12:43

15 Q. Why did you prefer Laguna 12:12:44

16 Niguel? 12:12:48

17 A. It was closer to me. 12:12:49

18 Q. Where were you living when you 12:12:50

19 were employed at Prime Now? 12:12:52

20 (Reporter clarification.) 12:12:52

21 A. Tustin. 12:12:57

22 BY MS. MARYOTT: 12:13:00

23 Q. Wasn't the Jamboree store 12:13:00

24 closest to you? 12:13:09

25 A. Yes. 12:13:10

1 Q. And so when you went to look for 12:13:10
2 a shift and you saw shifts, what was the 12:13:17
3 next step? Did you click on the shift 12:13:19
4 that you wanted to take? 12:13:22
5 A. There was no shifts available. 12:13:26
6 Q. Well, Mr. Mabanta, you worked a 12:13:28
7 lot of shifts, so there were times when 12:13:30
8 you were -- located a shift and selected 12:13:33
9 it, right? 12:13:36
10 A. Yes. 12:13:37
11 Q. Okay. That's what I'm talking 12:13:37
12 about. I'm talking about those occasions, 12:13:39
13 okay? Are you with me? 12:13:42
14 A. Yes. 12:13:43
15 Q. Okay, great. 12:13:43
16 So what would you do? You would 12:13:45
17 look to see what times were available for 12:13:47
18 that location? 12:13:49
19 A. Yes. 12:13:51
20 Q. And then would you just click on 12:13:51
21 one? 12:13:53
22 A. Yes. 12:13:54
23 Q. Did you receive a notification 12:13:55
24 in response when you did that? 12:13:57
25 A. Yes. 12:13:59

1 Q. Okay. And so would you 12:14:00
2 typically sign up for one shift at a time 12:14:02
3 or would you sign up for multiple shifts 12:14:05
4 at a time? 12:14:07
5 A. One shift at a time. 12:14:08
6 Q. Why did you sign up for one 12:14:10
7 shift at a time? 12:14:11
8 A. Because that's all the app can 12:14:17
9 handle. 12:14:20
10 Q. Okay. And so -- and I'll 12:14:20
11 clarify my question. 12:14:22
12 So each time you would go into 12:14:23
13 the app, right, you could select multiple 12:14:26
14 shifts; you just had to do them one at a 12:14:29
15 time, right? 12:14:32
16 A. Yes. 12:14:32
17 Q. Okay. And so you would select a 12:14:33
18 shift, and then you could look for another 12:14:36
19 shift, right? 12:14:38
20 A. Yes. 12:14:40
21 Q. Okay. And so were there 12:14:40
22 occasions where in one use of the app, you 12:14:42
23 would select multiple shifts? 12:14:47
24 A. No. 12:14:50
25 Q. Why not? 12:14:50

1 A. It won't -- it won't handle it. 12:14:52

2 Q. Okay. When you logged into 12:14:55

3 Amazon Moment and got set up to use the 12:15:01

4 portal for selecting shifts, did you sign 12:15:05

5 up to receive e-mails on your personal 12:15:07

6 e-mail or via text about when shifts were 12:15:10

7 posted? 12:15:14

8 A. Yes. 12:15:14

9 Q. Did you receive e-mails letting 12:15:18

10 you know when shifts were posted? 12:15:21

11 A. Yes. 12:15:23

12 Q. Did you also receive text 12:15:24

13 messages? 12:15:28

14 A. Yes. Not all the time. 12:15:29

15 Q. So you didn't have it set up to 12:15:33

16 receive text messages during the entirety 12:15:41

17 of your employment? 12:15:43

18 A. What was the question again? 12:15:44

19 Q. I'm trying to understand. You 12:15:48

20 said "not all the time." So was there a 12:15:50

21 time when you had it set up for texts and 12:15:52

22 a time when you didn't have it set up for 12:15:55

23 texts? 12:15:57

24 A. No, I was always set up for a 12:15:58

25 text. I never received it. 12:16:01

1 Q. Okay. But you received the 12:16:03
2 e-mails? 12:16:06
3 A. Yes. 12:16:07
4 (Reporter clarification.) 12:16:10
5 A. It's already delayed. 12:16:13
6 BY MS. MARYOTT: 12:16:19
7 Q. And when you received the text 12:16:19
8 messages, was it right around the time 12:16:24
9 that the shifts would drop? 12:16:27
10 A. Approximately, yes. 12:16:31
11 Q. When did the shifts drop when 12:16:32
12 you first started at Prime Now? 12:16:39
13 A. I don't remember anymore. 12:16:42
14 Q. Okay. Did you set an alert on 12:16:43
15 your calendar for the times that the 12:16:58
16 shifts would drop? 12:17:02
17 A. Yes. 12:17:05
18 Q. Do you recall that the shifts 12:17:14
19 dropped at 4:15 on Sunday, Tuesday and 12:17:16
20 Thursday when you first started? 12:17:19
21 A. Sounds familiar. 12:17:25
22 Q. Okay. You just -- you just 12:17:26
23 don't have a specific recollection of 12:17:27
24 that? 12:17:28
25 (Reporter clarification.) 12:17:28

1 A. I don't have my records with me. 12:17:32

2 BY MS. MARYOTT: 12:17:34

3 Q. What records are you talking 12:17:34

4 about? 12:17:35

5 A. I don't have anything. I just 12:17:36

6 try to remember things. 12:17:38

7 Q. Okay. Do you consider yourself 12:17:44

8 to have a good memory? 12:17:45

9 A. Yes. 12:17:47

10 Q. Let's go ahead and mark 12:17:48

11 Exhibit 4. 12:17:55

12 MS. MARYOTT: And Hazel, this 12:17:59

13 will be tab 14. 12:18:02

14 MS. CHUANG: Okay. I'll let you 12:18:04

15 know when it's up. 12:18:06

16 MS. MARYOTT: Thank you. 12:18:14

17 THE COURT REPORTER: So we 12:18:14

18 skipped 1; is that correct? 12:18:16

19 MS. MARYOTT: We did skip 1. 12:18:18

20 THE COURT REPORTER: Okay. 12:18:18

21 MS. MARYOTT: We'll go ahead and 12:18:23

22 mark it after. 12:18:24

23 THE COURT REPORTER: That's 12:18:25

24 okay. I just wanted to make sure I 12:18:26

25 didn't miss something. 12:18:28

1 (Exhibit 4, E-mail string 12:18:42
2 beginning with Bates number 12:18:42
3 MAB-PRIME_00000159, marked for 12:18:42
4 identification.) 12:18:43
5 BY MS. MARYOTT: 12:18:43
6 Q. Okay. I see it's loaded. Do 12:18:44
7 you see Exhibit 4, Mabanta? 12:18:46
8 A. Not yet. I'm going to refresh 12:18:48
9 my screen. Yes. 12:18:58
10 Q. Okay. So Exhibit 4 is an e-mail 12:19:16
11 string between you and Mr. Curtis; is that 12:19:20
12 right? 12:19:25
13 A. Yes. 12:19:25
14 Q. Okay. And if you look at the 12:19:26
15 second page, partway down, it says "On 12:19:30
16 Sun, November 25, 2018 at 8:40 a.m., 12:19:38
17 Curtis David wrote:" 12:19:46
18 Do you see that? 12:19:48
19 A. I'm trying to get it. 12:19:48
20 (Reporter clarification.) 12:19:48
21 A. "Hey Mario, thank you for 12:20:00
22 reaching out." 12:20:02
23 BY MS. MARYOTT: 12:20:02
24 Q. Yes. That's where I'm looking 12:20:02
25 too. 12:20:04

1 And do you see here that 12:20:05
2 Mr. Curtis was reminding you that there 12:20:07
3 are no set shifts at any locations and 12:20:12
4 that all shoppers can pick up shifts at 12:20:14
5 4:15 when they become available on Sunday, 12:20:17
6 Tuesday and Thursday? 12:20:21
7 Do you see that? 12:20:23
8 A. I see that. 12:20:24
9 Q. Does that refresh your memory 12:20:25
10 that that's when the shifts dropped? 12:20:26
11 A. Yes. 12:20:28
12 Q. Okay. Now, the subject of your 12:20:29
13 e-mail to Mr. Curtis was that you wanted 12:20:35
14 more shifts at Brea; is that right? 12:20:38
15 A. Yes. 12:20:42
16 Q. And why did you want more shifts 12:20:42
17 at Brea? 12:20:44
18 (Reporter clarification.) 12:20:44
19 BY MS. MARYOTT: 12:20:44
20 Q. Can you repeat that, 12:21:02
21 Mr. Mabanta. 12:21:03
22 A. The people at Brea are easier to 12:21:03
23 work with. 12:21:05
24 Q. Was the store in Brea busier 12:21:08
25 than the Laguna Niguel store? 12:21:12

1	A.	They're the same.	12:21:16
2	Q.	Now, at some point the shift	12:21:18
3		drop time changed; is that right?	12:21:27
4	A.	Yes.	12:21:31
5	Q.	And it changed to 6:15 instead	12:21:32
6		of 4:15 on Sunday, Tuesday and Thursday,	12:21:36
7		right?	12:21:41
8	A.	I believe so.	12:21:42
9	Q.	And then it changed again to be	12:21:45
10		6:15 every day except Saturday, right?	12:21:48
11	A.	I believe so.	12:21:51
12	Q.	And let's go ahead and look at	12:22:01
13		Exhibit 5, which will be tab 16.	12:22:03
14		(Exhibit 5, E-mail string	12:22:09
15		beginning with Bates number	12:22:09
16		MAB-PRIME_00000136, marked for	12:22:09
17		identification.)	12:22:32
18	MS. CHUANG:	Okay. It should be	12:22:32
19		up.	12:22:34
20	MS. MARYOTT:	Thank you.	12:22:34
21	A.	You said Exhibit 5?	12:22:44
22	BY MS. MARYOTT:		12:22:47
23	Q.	Exhibit 5, yes. Let me know	12:22:47
24		when you have it.	12:22:49
25	A.	I have it.	12:22:51

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1 Q. Okay. Do you recognize 12:22:51
2 Exhibit 5 as an e-mail exchange between 12:22:56
3 you and Mr. Curtis on November 27 and 28 12:22:58
4 of 2018? 12:23:04
5 A. How do you enlarge this? 12:23:07
6 Q. I'm not sure. 12:23:13
7 MS. BAKER: Are you unable to 12:23:14
8 see the exhibit? 12:23:21
9 THE WITNESS: I see it now. I 12:23:22
10 see it now. 12:23:29
11 BY MS. MARYOTT: 12:23:29
12 Q. Okay, great. 12:23:30
13 So do you recognize Exhibit 5 as 12:23:32
14 an e-mail exchange between you and 12:23:35
15 Mr. Curtis that took place between 12:23:37
16 November 27, 2018 and November 28, 2018? 12:23:41
17 A. I believe so. 12:23:46
18 Q. Okay. And the first e-mail in 12:23:47
19 the string, which is at the bottom, is an 12:23:52
20 e-mail from you to Mr. Curtis at 6:11 on 12:23:55
21 November 27, 2018; do you see that? 12:24:01
22 A. Yes. 12:24:04
23 Q. And you were asking him if it 12:24:05
24 was true that he didn't put a schedule up; 12:24:08
25 is that right? 12:24:10

1	A.	Yes.	12:24:11
2	Q.	So you were checking for	12:24:12
3		schedules at the time that you sent this	12:24:14
4		e-mail?	12:24:17
5	A.	I believe so.	12:24:18
6	Q.	Okay. And you were at work when	12:24:20
7		you sent this e-mail, right?	12:24:22
8	A.	I believe so.	12:24:25
9	Q.	And so was it your practice to	12:24:28
10		check for shifts while you were at work?	12:24:30
11	A.	Yes.	12:24:32
12	Q.	And you see in the response from	12:24:38
13		Mr. Curtis that he says starting today,	12:24:42
14		the shifts will be posted at 6:15, right?	12:24:45
15	A.	I believe so.	12:25:10
16	Q.	So you understood as of	12:25:11
17		November 27, 2018, that the shifts would	12:25:14
18		drop at 6:15 on Sunday, Tuesday and	12:25:17
19		Thursday, right?	12:25:22
20	A.	It doesn't -- it doesn't say it	12:25:25
21		here.	12:25:26
22	Q.	Okay. So when do you think it	12:25:26
23		was?	12:25:29
24	A.	He changes times on -- on this.	12:25:34
25	Q.	Do you think the shifts dropped	12:25:38

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1 at a time other than 6:15 after -- 12:25:41

2 A. Yes. 12:25:44

3 Q. -- November 27th? 12:25:44

4 A. Yes. 12:25:46

5 Q. When do you think the shifts 12:25:46

6 dropped after November 27, what time? I'm 12:25:48

7 sorry? 12:25:54

8 A. Sometimes delayed about three or 12:25:55

9 four hours. 12:25:57

10 Q. And how do you know that? 12:25:58

11 What's that based on? 12:26:00

12 A. I have an e-mail to him saying 12:26:02

13 that -- where's the shifts. I have to 12:26:05

14 look for the e-mail. 12:26:10

15 Q. So you're saying there were 12:26:15

16 occasions when the shifts were delayed 12:26:16

17 three, four hours? 12:26:19

18 A. Yes. 12:26:21

19 Q. How many times did that happen? 12:26:21

20 A. Three, four or five times. 12:26:26

21 Q. When did it happen? 12:26:27

22 A. I don't -- I don't recall. 12:26:31

23 Q. Did you make any notes of when 12:26:32

24 that happened? 12:26:37

25 A. I e-mailed him, I remember. 12:26:40

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1 Q. Did you e-mail him every time? 12:26:43

2 A. I e-mailed him a lot. 12:26:47

3 Q. Well, yes, I'm aware of that. 12:26:48

4 Did you e-mail him every time 12:26:51

5 when there was a delay in the shifts 12:26:53

6 dropping? 12:26:55

7 A. Yes. He was never there. 12:26:56

8 Q. So after Mr. Curtis reminded you 12:27:14

9 that the shifts would post at 6:15 on 12:27:18

10 November 27, 2018, did you proceed to 12:27:22

11 check for a schedule on that day? 12:27:25

12 A. Yes, working already for almost 12:27:30

13 seven, eight months. 12:27:35

14 Q. The shifts had been dropping at 12:27:38

15 4:15 -- 12:27:43

16 A. Yes. 12:27:44

17 Q. -- for seven or eight months, 12:27:44

18 right? 12:27:47

19 And then you claimed that you 12:27:47

20 never got the information. Did you -- 12:27:51

21 A. What information? 12:27:57

22 Q. About the change in the shift 12:27:59

23 drop time. 12:28:02

24 A. I don't remember. 12:28:04

25 Q. Were there sometimes 12:28:06

1 notifications on the seller app about 12:28:08
2 updates, things you -- 12:28:12
3 A. No. 12:28:14
4 Q. -- needed to know? 12:28:14
5 A. No. 12:28:16
6 Q. Never? 12:28:17
7 A. Not that I saw. 12:28:18
8 Q. Did you know how to look for 12:28:19
9 information on the seller app? 12:28:22
10 A. Yes. 12:28:27
11 Q. During your employment, did you 12:28:27
12 keep track of when you logged in to select 12:28:48
13 shifts? 12:28:53
14 A. I had a calendar. 12:28:59
15 Q. What calendar? 12:29:00
16 A. I have a calendar that I worked 12:29:02
17 on all my shifts, which were sent over to 12:29:05
18 my lawyer. 12:29:11
19 Q. So you kept a calendar of your 12:29:12
20 shifts or a calendar showing when you were 12:29:15
21 logging on to try to get shifts? 12:29:18
22 A. When I was logging -- when I had 12:29:21
23 my shifts. 12:29:23
24 Q. Oh, okay. So you kept a 12:29:24
25 calendar so you would know what day to go 12:29:27

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1	to work, right?	12:29:29
2	A. Yes.	12:29:30
3	Q. My question's a little	12:29:31
4	different.	12:29:32
5	Did you keep track of when you	12:29:33
6	logged in to select the shifts?	12:29:34
7	A. I don't remember.	12:29:38
8	Q. So do you have any records at	12:29:38
9	all of when you logged in to select your	12:29:47
10	shifts?	12:29:51
11	A. I can't remember.	12:29:56
12	Q. So, Mr. Mabanta, you understood	12:29:56
13	that you were coming to be deposed today	12:30:01
14	about your employment at Prime Now, right?	12:30:04
15	A. Yes.	12:30:07
16	Q. Okay. And did you do everything	12:30:08
17	you could to try to familiarize yourself	12:30:12
18	with the history of your employment before	12:30:14
19	we started today?	12:30:18
20	A. Yes.	12:30:19
21	Q. Okay. Because you knew how	12:30:20
22	important a proceeding this was, right?	12:30:21
23	A. Yes.	12:30:24
24	Q. Okay. What did you do to	12:30:24
25	prepare for your deposition?	12:30:26

1 A. I read through my deposition -- 12:30:28
2 read through my declaration. 12:30:34
3 Q. Okay. Did you do anything else? 12:30:35
4 A. No. 12:30:38
5 MS. BAKER: And, Mr. Mabanta, 12:30:38
6 anything that you have spoken to 12:30:39
7 counsel about, that's not something 12:30:41
8 that you're testifying to today, okay? 12:30:45
9 So she's asking if you did anything to 12:30:47
10 prepare for today. 12:30:49
11 I just want to clarify that. 12:30:49
12 A. I read through my declar- -- my 12:30:53
13 declaration. 12:30:57
14 BY MS. MARYOTT: 12:30:58
15 Q. Okay. And without telling me 12:30:58
16 the substance of anything that you 12:30:58
17 discussed, did you have a discussion with 12:31:00
18 your lawyers in preparation for today's 12:31:01
19 deposition? 12:31:04
20 MS. BAKER: And again, you're 12:31:07
21 not going to testify to anything that 12:31:08
22 you've spoken to any counsel about, 12:31:09
23 okay? 12:31:12
24 THE WITNESS: Yes. 12:31:14
25 A. No, I did not. 12:31:16

1 BY MS. MARYOTT: 12:31:16

2 Q. You did not speak to your lawyer 12:31:16

3 in preparation for your deposition; is 12:31:19

4 that -- 12:31:20

5 A. No. 12:31:20

6 Q. Just so we're clear because the 12:31:21

7 way I phrased that question -- I want to 12:31:31

8 make it very clear. 12:31:33

9 You did not speak with your 12:31:34

10 lawyers in preparation for this 12:31:37

11 deposition; is that true? 12:31:41

12 MS. BAKER: And to be clear, 12:31:41

13 Mr. Mabanta, anything that we 12:31:42

14 discussed, you're not going to testify 12:31:44

15 to, okay? So all she's asking you is 12:31:45

16 if we had a conversation. She's not 12:31:48

17 entitled to anything that we have ever 12:31:50

18 discussed. She's not entitled to know 12:31:53

19 when we speak or for how long we speak 12:31:55

20 or anything that we spoke to, okay? 12:31:58

21 THE WITNESS: Yes. 12:32:02

22 MS. BAKER: If you did anything 12:32:03

23 outside of speaking to your lawyers to 12:32:04

24 prepare for your deposition, if you 12:32:06

25 reviewed documents, she's entitled to 12:32:08

1 know what documents you reviewed. 12:32:10

2 THE WITNESS: Yes. 12:32:16

3 MS. MARYOTT: So, Counsel, I 12:32:19

4 disagree that I'm not entitled to know 12:32:20

5 whether you spoke to him in connection 12:32:22

6 with preparing for the deposition, but 12:32:24

7 I agree with you on the substance. 12:32:27

8 BY MS. MARYOTT: 12:32:29

9 Q. So, Mr. Mabanta, did you speak 12:32:29

10 with your lawyers to prepare for this 12:32:30

11 deposition? 12:32:31

12 MS. BAKER: And, Counsel, I can 12:32:36

13 represent that we speak to our clients 12:32:38

14 at any time, okay? And he can't 12:32:41

15 testify to things that we spoke about. 12:32:43

16 MS. MARYOTT: I didn't ask him 12:32:47

17 what you spoke about, Counsel. I 12:32:47

18 asked him, Did you speak with your 12:32:49

19 lawyers in prep -- in preparation for 12:32:51

20 your deposition. 12:32:53

21 MS. BAKER: And, Mario, you can 12:32:55

22 say if you spoke to us. You can't say 12:32:57

23 what we spoke about at all. 12:33:00

24 A. Yes. 12:33:04

25 BY MS. MARYOTT: 12:33:05

1 Q. Okay. Are you saying yes to my 12:33:05
2 question now? 12:33:08
3 A. Yes. 12:33:08
4 Q. Okay. So now you recall that 12:33:09
5 you did speak to your lawyer in connection 12:33:12
6 with preparation -- preparing for your 12:33:15
7 deposition. 12:33:18
8 MS. BAKER: Asked and answered. 12:33:18
9 BY MS. MARYOTT: 12:33:18
10 Q. Is that right? 12:33:24
11 A. Yes. 12:33:24
12 Q. Okay. Did you review any 12:33:25
13 documents that refreshed your memory other 12:33:28
14 than your declaration? 12:33:29
15 A. I looked up my résumé. That's 12:33:34
16 why I had it with me. 12:33:41
17 Q. Why did you look up your résumé? 12:33:43
18 A. Because there are so many times 12:33:45
19 I worked. I don't remember the dates. 12:33:47
20 Q. Now, Mr. Mabanta, you mentioned 12:33:55
21 that you couldn't remember if you made any 12:34:02
22 record of the -- of when you logged in to 12:34:06
23 select shifts. Do you remember that? 12:34:09
24 That was a few minutes ago. 12:34:10
25 A. Yes. 12:34:12

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1 Q. Okay. So have you looked to see 12:34:12
2 if you have any records reflecting when 12:34:16
3 you logged in to select shifts? 12:34:19
4 A. No. 12:34:22
5 Q. Why not? 12:34:22
6 A. I didn't think it was important. 12:34:29
7 Q. Do you have any recollection of 12:34:30
8 making any notes of when you logged in to 12:34:36
9 select shifts? 12:34:42
10 A. No. 12:34:42
11 Q. Did you make any notes about all 12:34:43
12 the different times you had to change your 12:34:47
13 password? 12:34:48
14 A. No. 12:34:50
15 Q. Did you make any notes of every 12:34:51
16 time you called technical support because 12:34:53
17 you were struggling with the app? 12:34:54
18 A. No. 12:34:56
19 Q. Did you make any notes about 12:34:57
20 every time you went to the FC to try to 12:35:00
21 get help because you were having trouble 12:35:05
22 with the app? 12:35:07
23 A. No. 12:35:08
24 Q. Okay. So knowing that you don't 12:35:08
25 have any records of the times at which you 12:35:17

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1 logged in to select shifts, is it fair to
2 say that you don't have any records of
3 what time you selected particular shifts?

4 A. No.

5 Q. That's not fair to say?

6 A. I don't remember.

7 Q. Okay. Did shifts ever get
8 dropped outside of the set times?

9 A. I don't remember.

10 Q. Did you ever pick up shifts
11 outside of the shift drop times?

12 A. I don't remember.

13 Q. If Amazon's records show that
14 you did, would you have any records to
15 refute that?

16 A. No.

17 Q. And if Amazon's records show
18 when you picked up any given shift, would
19 you have any records to refute that?

20 A. No.

21 MS. MARYOTT: Let's mark as
22 Exhibit 6 tab 22.

23 MS. CHUANG: It should be up.

24 MS. MARYOTT: Thank you.

25 (Exhibit 6, E-mail string

1 beginning with Bates number
2 MAB-PRIME_00000221, marked for
3 identification.)

4 BY MS. MARYOTT:

5 Q. Mr. Mabanta, let me know when 12:37:10
6 you have Exhibit 6 on your screen. 12:37:11

7 A. I got it. 12:37:28

8 Q. Great. Okay. Do you recognize 12:37:30
9 Exhibit 6 as an e-mail exchange between 12:37:33
10 you and Mr. Curtis on November 21, 2018? 12:37:38

11 A. Yes. 12:37:46

12 Q. And you sent an e-mail to 12:37:46
13 Mr. Curtis at 1:07 a.m.; is that right? 12:37:47

14 A. Yes. 12:37:51

15 Q. Was it typical for you to send 12:37:54
16 e-mails to Mr. Curtis in the middle of the 12:37:56
17 night? 12:37:58

18 A. Well, after I come from work, 12:37:58
19 that's when I sent it to him. 12:38:00

20 Q. Okay. How late did you 12:38:02
21 typically work? 12:38:04

22 A. 9:30, but takes me about an hour 12:38:06
23 to get home and eat. 12:38:08

24 Q. It takes you an hour to get home 12:38:12
25 from Laguna Niguel? 12:38:15

1	A.	This was in -- could be.	12:38:20
2		Depends on the day.	12:38:24
3	Q.	Did it take you -- well, strike	12:38:28
4		that.	12:38:31
5		What was your typical commute	12:38:32
6		time from home to Laguna Niguel when you	12:38:35
7		worked in the afternoon?	12:38:39
8	A.	About 45 minutes.	12:38:42
9	Q.	And what was the typical commute	12:38:43
10		time coming home at, say, 9:30 from	12:38:46
11		Laguna Niguel?	12:38:51
12	A.	About the same.	12:38:52
13	Q.	And what was the commute time to	12:38:53
14		Brea?	12:38:55
15	A.	About an hour each way.	12:38:57
16	Q.	Did you take surface streets?	12:39:01
17	A.	Yes.	12:39:03
18	Q.	So you didn't take the freeway?	12:39:03
19	A.	No.	12:39:06
20	Q.	Is there a reason you didn't	12:39:06
21		take the freeway?	12:39:13
22	A.	There was a toll to	12:39:14
23		Laguna Niguel.	12:39:17
24	Q.	Is there a toll on the	12:39:17
25		5 Freeway?	12:39:23

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1 A. No. Laguna Niguel is the -- 73. 12:39:24

2 Q. So in this e-mail that you sent 12:39:27

3 to Mr. Curtis at 1:07 a.m., you note "I 12:39:32

4 missed the schedule because it was so busy 12:39:38

5 today." 12:39:40

6 Do you see that? 12:39:41

7 A. Yes. 12:39:41

8 Q. So were you trying to check for 12:40:00

9 schedules while you were at work that day? 12:40:05

10 A. Yes, through my phone. 12:40:07

11 Q. And you mentioned here "I 12:40:08

12 noticed there was no schedule for Brea." 12:40:12

13 So you were looking specifically for 12:40:14

14 shifts at Brea? 12:40:16

15 A. Well, because the shifts at 12:40:20

16 Laguna Niguel's been full already. You 12:40:24

17 already know ahead of time. 12:40:28

18 Q. You knew that the Laguna Niguel 12:40:30

19 schedules were full? 12:40:34

20 A. So -- because I was working at 12:40:36

21 Laguna Niguel, so I know who's working. 12:40:39

22 Q. We're talking about selecting 12:40:42

23 shifts, Mr. Mabanta, not who was working 12:40:44

24 on the shift. Do you understand that's 12:40:47

25 what we're talking about? 12:40:49

1 during your employment with Prime Now? 12:42:29

2 A. Yes. 12:42:34

3 Q. What other stores other than 12:42:34

4 Laguna Niguel and Brea did you work at? 12:42:37

5 A. I worked at Jamboree store, and 12:42:39

6 I worked at another store, but not at the 12:42:45

7 Whole Foods store. 12:42:57

8 Q. What store did you say? 12:42:59

9 A. Not Whole Foods. Hold one sec. 12:43:01

10 I'm trying to remember. 12:43:11

11 Q. Sure. 12:43:13

12 A. It's on the tip of my tongue. 12:43:17

13 It was handled also by Prime. 12:43:25

14 Q. You don't remember the store? 12:43:30

15 A. I don't remember the store. 12:43:35

16 Q. How many times did you work at 12:43:37

17 Jamboree? 12:43:39

18 A. Twice, if I can remember right. 12:43:40

19 Q. How many times did you work at 12:43:44

20 this other store, the one you don't 12:43:45

21 recall? 12:43:50

22 A. Once. 12:43:50

23 Q. Do you keep in touch with anyone 12:43:51

24 that you worked with while you were at 12:43:58

25 Prime Now? 12:44:00

1	A.	Not anymore.	12:44:02
2	Q.	When was the last time you were	12:44:03
3		in touch with anyone that you worked with	12:44:05
4		at Prime Now?	12:44:09
5	A.	About a few months ago.	12:44:11
6	Q.	And who was that?	12:44:12
7	A.	John Jay.	12:44:15
8	Q.	And why were you in touch with	12:44:17
9		John Jew?	12:44:20
10	A.	John Jay.	12:44:21
11	Q.	John Jay. Why were you in touch	12:44:22
12		with John Jay?	12:44:25
13	A.	Because we got close. We used	12:44:27
14		to work at the Brea store.	12:44:28
15	Q.	Have you been in touch --	12:44:35
16	A.	I'm sorry. The other store is	12:44:37
17		Sprouts.	12:44:40
18	Q.	So you worked at a Sprouts store	12:44:40
19		one shift?	12:44:49
20	A.	Yes. So I don't remember it.	12:44:50
21	Q.	Other than John Jay, did you	12:44:54
22		keep in touch with any of your other	12:44:56
23		coworkers from Prime Now?	12:45:00
24	A.	No.	12:45:01
25	Q.	So fair to say, other than	12:45:02

1 Mr. Jay, the last time you communicated 12:45:08
2 with any coworkers was when you were 12:45:10
3 employed? 12:45:12
4 A. Yes. 12:45:13
5 MS. MARYOTT: It's 12:45 so why 12:45:19
6 don't we go ahead and take the -- the 12:45:22
7 lunch break. Is 45 minutes enough 12:45:23
8 time -- oh, sorry, Belle. We should 12:45:30
9 go off the record. 12:45:33
10 THE VIDEOGRAPHER: Going off the 12:45:34
11 record. The time is 12:45 p.m. 12:45:35
12 (Whereupon, a brief recess is 13:18:54
13 taken.) 13:18:56
14 THE VIDEOGRAPHER: Back on the 13:18:56
15 record. The time is 1:19 p.m. 13:19:22
16 BY MS. MARYOTT: 13:19:24
17 Q. Mr. Mabanta, you understand that 13:19:25
18 you're still under oath? 13:19:27
19 A. Yes. 13:19:29
20 Q. Okay. Did you talk to anyone 13:19:29
21 during the break? 13:19:31
22 A. No. 13:19:32
23 Q. Okay. Is there anything you 13:19:32
24 want to change about your testimony since 13:19:34
25 the break? 13:19:36

1	A.	No.	13:19:37
2	Q.	Okay. Did you review any	13:19:37
3		documents during the break that refreshed	13:19:40
4		your memory?	13:19:43
5	A.	No.	13:19:43
6	Q.	How often did you pick up shifts	13:19:44
7		outside of the shift drop times?	13:19:49
8	A.	What was the question again?	13:19:52
9	Q.	How often did you pick up shifts	13:19:59
10		outside of the shift drop times?	13:20:02
11	A.	I don't remember.	13:20:06
12	Q.	Was it -- can you estimate? Was	13:20:06
13		it more than 10?	13:20:08
14	A.	About.	13:20:11
15	Q.	You think it was more than 10?	13:20:16
16	A.	No, no.	13:20:20
17	Q.	What's your estimate as to how	13:20:26
18		many times you picked up shifts outside	13:20:28
19		the shift drop times?	13:20:30
20	A.	About one or two.	13:20:31
21	Q.	And do you -- I think we've	13:20:35
22		established, you don't have any records as	13:20:42
23		to when you went online to pick up shifts,	13:20:44
24		right?	13:20:49
25	A.	No.	13:20:50

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1 Q. Were there ever shifts available 13:20:50
2 that you chose not to pick up? 13:20:54
3 A. No. 13:20:57
4 Q. Let's look at Exhibit -- I guess 13:20:57
5 we're on 7, which is tab 23. 13:21:13
6 MS. CHUANG: I'm pulling it up, 13:21:17
7 and I'll let you know when it's up. 13:21:20
8 MS. MARYOTT: Thank you. 13:21:22
9 MS. CHUANG: Okay. It should be 13:21:25
10 ready. 13:21:34
11 MS. MARYOTT: Thank you. 13:21:34
12 (Exhibit 7, E-mail string 13:21:35
13 beginning with Bates number 13:21:35
14 MAB-PRIME_00000950, marked for 13:21:35
15 identification.) 13:21:36
16 BY MS. MARYOTT: 13:21:36
17 Q. So go ahead and pull up 13:21:42
18 Exhibit 7. Let me know when you have it 13:21:45
19 up. 13:22:04
20 A. I have it up. 13:22:14
21 Q. Okay. So do you recognize 13:22:14
22 Exhibit 7 as an e-mail exchange between 13:22:16
23 you and Mr. Curtis and Ms. Vessels between 13:22:22
24 November 11, 2018 and November 12, 2018? 13:22:27
25 A. Yes. 13:22:41

1 Q. And so in your initial e-mail to 13:22:41
2 them, you're asking about whether there's 13:22:48
3 anything available for Brea. 13:22:51

4 Do you see that? 13:22:53

5 A. Yes. 13:22:53

6 Q. Okay. And Mr. Curtis responds 13:22:54
7 that there are not many shifts left in 13:22:57
8 Brea, but he does see some in Jamboree and 13:22:59
9 Laguna Niguel in case you were looking to 13:23:03
10 get shifts. 13:23:04

11 Do you see that? 13:23:06

12 A. Yes. 13:23:06

13 Q. And you told him that you didn't 13:23:07
14 want to work at Jamboree, right? 13:23:08

15 A. Yes. 13:23:11

16 Q. Okay. And so when you said a 13:23:11
17 minute ago were there ever shifts 13:23:14
18 available -- strike that. 13:23:16

19 When you said a minute ago that 13:23:18
20 there was never a time when shifts were 13:23:21
21 available and you chose not to pick them 13:23:24
22 up, that was not accurate, right? 13:23:26

23 A. Yes. 13:23:28

24 Q. Okay. So there were times when 13:23:29
25 shifts were available and you chose not to 13:23:32

1 take them, right? 13:23:34

2 A. Yes. 13:23:35

3 Q. Okay. Why did you answer no to 13:23:36

4 my question when I first asked it, 13:23:38

5 Mr. Mabanta? 13:23:43

6 A. I got confused. 13:23:43

7 Q. And do you recall earlier today 13:23:44

8 when I asked you to ask me to clarify if 13:23:46

9 you don't understand a question? 13:23:49

10 A. Yes. 13:23:51

11 Q. And have you done that 13:23:51

12 throughout the deposition so far? 13:23:53

13 A. As far as I can remember. 13:23:56

14 Q. Okay. And will you continue to 13:23:57

15 do that throughout the rest of the 13:23:59

16 deposition? 13:24:01

17 A. Yes. 13:24:01

18 Q. Okay. So we have an agreement 13:24:02

19 that if you answer my question, I can 13:24:04

20 assume you heard and understood it, right? 13:24:07

21 A. Yes. 13:24:09

22 Q. And so what is your best 13:24:10

23 estimate for how many times there were 13:24:22

24 shifts available and you chose not to take 13:24:25

25 them? 13:24:27

1	A.	I think four or five.	13:24:33
2	Q.	And what are you basing that on?	13:24:34
3	A.	I don't like working at	13:24:38
4		Jamboree.	13:24:39
5	Q.	My question wasn't just about	13:24:40
6		Jamboree. It's about any location.	13:24:42
7	A.	Basically it's Jamboree.	13:24:50
8	Q.	So was there ever occasion that	13:24:51
9		there were shifts available at Laguna	13:24:54
10		Niguel and you chose not to take them?	13:24:56
11	A.	Yes.	13:24:58
12	Q.	Okay. Let's look at	13:25:06
13		Exhibit No. 8.	13:25:11
14		MS. MARYOTT: Which is tab 24,	13:25:19
15		Hazel.	13:25:21
16		MS. CHUANG: Okay. It should be	13:25:47
17		up.	13:25:48
18		MS. MARYOTT: Thank you.	13:25:49
19		(Exhibit 8, E-mail string	13:25:50
20		beginning with Bates number	13:25:50
21		MAB-PRIME_00000328, marked for	13:25:50
22		identification.)	13:25:51
23		BY MS. MARYOTT:	13:25:51
24	Q.	Let me know when you have	13:25:57
25		Exhibit 8 up on the screen, Mr. Mabanta.	13:25:58

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1 Q. Did you have trouble sometimes 13:28:30
2 with refreshing things on the screen? 13:28:32
3 A. As I mentioned earlier, 13:28:36
4 sometimes it takes me two to three hours 13:28:40
5 to get a shift. I've been waiting. 13:28:43
6 Q. Actually, you -- you didn't 13:28:48
7 mention that earlier. What do you mean it 13:28:49
8 takes you two to three hours to get a 13:28:51
9 shift? 13:28:54
10 A. To get -- I wait for the -- the 13:28:56
11 shift to drop. 13:29:06
12 Q. Okay. How long did it typically 13:29:08
13 take you to pick up shifts? 13:29:12
14 A. 15 minutes to about an hour. It 13:29:15
15 happened all the time. 13:29:30
16 Q. And what would you do? Like 13:29:30
17 when it was taking you an hour, what were 13:29:34
18 you doing during that time? 13:29:37
19 A. I would keep on refreshing 13:29:39
20 the -- 13:29:41
21 Q. Did it sometimes take you an 13:29:42
22 hour to get logged in, for example? 13:29:45
23 A. Yes. 13:29:48
24 Q. And on those occasions, did you 13:29:49
25 call technical support to help you? 13:29:55

1	A.	All the time.	13:29:57
2	Q.	And so what's the shortest	13:29:58
3		amount of time it took you to get logged	13:30:06
4		in to Amazon Moment?	13:30:10
5	A.	15 minutes.	13:30:12
6	Q.	And what's the longest amount of	13:30:12
7		time it took you to get logged in?	13:30:15
8	A.	Four hours.	13:30:18
9	Q.	So there were occasions where	13:30:19
10		you couldn't get logged in for four hours?	13:30:20
11	A.	Yes.	13:30:24
12	Q.	What were you doing during those	13:30:25
13		four hours?	13:30:27
14	A.	I just keep on refreshing and --	13:30:28
15		(Reporter clarification.)	13:30:28
16	A.	-- calling support, technical	13:30:35
17		support and waiting, refreshing the -- the	13:30:38
18		app.	13:30:42
19		BY MS. MARYOTT:	13:30:47
20	Q.	So you would just sit at your	13:30:47
21		computer for four hours trying to log in?	13:30:49
22	A.	Yes. That's why I complained	13:30:51
23		to --	13:31:08
24		(Reporter clarification.)	13:31:09
25	A.	-- Jeff Bezos himself.	13:31:09

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1 BY MS. MARYOTT: 13:31:12

2 Q. Why do you think it is, 13:31:12

3 Mr. Mabanta, that sometimes you were able 13:31:13

4 to log in within 15 minutes on the app and 13:31:15

5 other times it took you four hours? 13:31:19

6 A. I do not know. 13:31:21

7 Q. Did you have an easier time 13:31:22

8 logging on to the app on your phone versus 13:31:27

9 your computer? 13:31:29

10 A. No, both ways. 13:31:31

11 Q. When you have trouble logging 13:31:36

12 in, did you make sure you didn't have your 13:31:38

13 caps lock on, for example? 13:31:40

14 A. Yes, I got the right -- I got 13:31:42

15 the right -- because I was able to log in, 13:31:45

16 but I wasn't able to get the shift. 13:31:52

17 (Reporter clarification.) 13:31:52

18 A. Wasn't able to get the shift. 13:31:52

19 BY MS. MARYOTT: 13:31:52

20 Q. Okay. So I've been asking you 13:31:56

21 about logging in. So what is the shortest 13:31:57

22 amount of time it took you to log in to 13:32:03

23 Amazon Moment? 13:32:07

24 A. 15 minutes. 13:32:09

25 Q. So, Mr. Mabanta, do you 13:32:10

1 understand I'm talking about actually 13:32:14
2 logging in to the app? You put in your 13:32:16
3 username; you put in your password to get 13:32:18
4 into the app. 13:32:21
5 You're saying the shortest 13:32:22
6 amount of time it took you to do that was 13:32:24
7 15 minutes? 13:32:28
8 A. No, about two minutes. I'm 13:32:29
9 sorry. 13:32:30
10 Q. That's okay. And what is the 13:32:31
11 longest amount of time it took you to log 13:32:35
12 in to the app? 13:32:38
13 A. Two minutes. 13:32:39
14 Q. So it never took you more than 13:32:41
15 two minutes to log in to the app? 13:32:45
16 A. Yes. 13:32:47
17 Q. So when you were having trouble 13:32:48
18 with your password and you couldn't get it 13:32:58
19 in correctly, the longest you ever spent 13:33:01
20 on that was two minutes? 13:33:05
21 A. Sometimes two minutes, sometimes 13:33:07
22 longer. So... 13:33:12
23 Q. How much longer? 13:33:14
24 A. 15 minutes. 13:33:16
25 Q. 15 minutes. So the amount of 13:33:18

1 time it would take you to log in is 13:33:20
2 between 2 and 15 minutes; is that right? 13:33:22
3 A. Yes. 13:33:25
4 Q. Okay. And then once you were 13:33:26
5 in, did you know where did you go? 13:33:31
6 A. Yes. 13:33:32
7 Q. Where did you go? 13:33:33
8 A. I went to the locations. 13:33:35
9 Q. Okay. You could only look at 13:33:37
10 one at a time? 13:33:39
11 A. Yes. 13:33:40
12 Q. Okay. And so you would look at 13:33:41
13 one location at a time to see if there 13:33:44
14 were shifts you wanted, right? 13:33:47
15 A. Yes. 13:33:48
16 Q. And sometimes you would see a 13:33:50
17 shift, and you would decide you didn't 13:33:52
18 want it, right? 13:33:54
19 A. Yes. 13:33:55
20 Q. And other times you would see a 13:33:55
21 shift that you did want, and you selected 13:33:58
22 that, right? 13:34:00
23 A. Yes. 13:34:01
24 Q. Okay. So on the occasions that 13:34:01
25 you said you were waiting for shifts to 13:34:07

1 drop, at what point were you logging in to 13:34:10
2 look for that? 13:34:15
3 A. I don't understand. 13:34:17
4 Q. So you knew shifts dropped at a 13:34:20
5 particular time, right? 13:34:22
6 A. Yes. 13:34:23
7 Q. So if -- if you were logging in, 13:34:23
8 for example, when it was 4:15, right, you 13:34:25
9 would log in around 4:15, right? 13:34:30
10 A. Yes. 13:34:33
11 Q. So is it your testimony that 13:34:34
12 there were occasions when you would stay 13:34:36
13 on the app for four hours after that? 13:34:38
14 A. Yes. 13:34:41
15 Q. Why did you do that? 13:34:42
16 (Reporter clarification.) 13:34:42
17 A. I'm trying to wait for a shift 13:34:50
18 to drop. 13:34:54
19 BY MS. MARYOTT: 13:34:55
20 Q. And why did you think shifts 13:34:55
21 would drop after the 4:15 time slot, for 13:34:56
22 example? 13:34:59
23 A. Because that's what David Curtis 13:35:00
24 told us, Just wait for the shifts. 13:35:04
25 Q. So what did you do while you 13:35:06

1	were sitting there refreshing?	13:35:08
2	A. Just keep on refreshing.	13:35:11
3	Q. You did nothing else?	13:35:12
4	A. Nothing else.	13:35:14
5	Q. So you would sit at your	13:35:15
6	computer for four hours on occasion --	13:35:16
7	A. Yes.	13:35:20
8	Q. -- just hitting refresh?	13:35:20
9	A. Yes.	13:35:22
10	Q. How many times did you wait four	13:35:27
11	hours on the app?	13:35:29
12	A. At least a dozen times.	13:35:34
13	Q. And that's the longest you spent	13:35:35
14	on the app?	13:35:42
15	A. Yes.	13:35:47
16	Q. Did you talk with anyone or text	13:35:47
17	while you were sitting there on the app?	13:35:54
18	A. No.	13:35:58
19	Q. Did you watch TV?	13:35:58
20	A. Yes.	13:36:01
21	Q. Why didn't you log off and log	13:36:02
22	back in?	13:36:10
23	A. After I get the shift.	13:36:14
24	Q. So you were just sitting there	13:36:16
25	hoping something would pop up?	13:36:18

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1	A.	Yes.	13:37:19
2	Q.	And were you on your phone or	13:37:19
3		your laptop?	13:37:23
4	A.	No.	13:37:30
5	Q.	Well, what were you using to	13:37:30
6		refresh?	13:37:32
7	A.	Well, the laptop.	13:37:32
8	Q.	So you were watching TV, laptop	13:37:33
9		on your lap; you're watching the shows,	13:37:36
10		and you keep hitting refresh?	13:37:40
11	A.	Most of the time I was in the --	13:37:42
12		the desktop.	13:37:43
13	Q.	Okay. And you said there was	13:37:46
14		about a dozen times you spent four hours	13:38:00
15		refreshing. How often did you refresh?	13:38:03
16	A.	Every ten minutes.	13:38:07
17	Q.	So did you just stare at the	13:38:11
18		screen for ten minutes while you were	13:38:13
19		waiting to refresh?	13:38:14
20	A.	Yes.	13:38:15
21	Q.	You said sometimes it would take	13:38:16
22		you two or three hours. On how many	13:38:27
23		occasions did you sit with your laptop and	13:38:29
24		hit refresh looking for shifts?	13:38:33
25		(Reporter clarification.)	13:38:33

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1	A.	About a dozen times.	13:38:56
2		Can you repeat the question	13:38:58
3		again?	13:38:59
4	BY MS. MARYOTT:		13:39:00
5	Q.	And the approximately dozen	13:39:00
6		times that you would refresh every ten	13:39:05
7		minutes for about two or three hours, were	13:39:09
8		you doing other things at the same time?	13:39:11
9	A.	No.	13:39:15
10	Q.	You weren't watching TV?	13:39:16
11	A.	No.	13:39:18
12	Q.	You weren't talking to your	13:39:18
13		wife?	13:39:20
14	A.	No.	13:39:20
15	Q.	You weren't texting anyone?	13:39:20
16	A.	No.	13:39:22
17	Q.	Were you reading?	13:39:22
18	A.	No.	13:39:24
19	Q.	So you just sat there for --	13:39:24
20	A.	I just sat there.	13:39:27
21	Q.	Try to let me finish the	13:39:32
22		question, Mr. Mabanta, before you answer.	13:39:33
23	A.	Yes.	13:39:38
24	Q.	Okay. Now, there were -- you	13:39:39
25		had -- strike that.	13:40:04

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1 We understand that you had a lot 13:40:06
2 of trouble operating the app; is that fair 13:40:08
3 to say, the Amazon Moment app? 13:40:11
4 A. Yes. 13:40:13
5 Q. Okay. And when you had trouble 13:40:14
6 operating the app, you requested help from 13:40:18
7 others at Prime Now, right? 13:40:21
8 A. Yes. 13:40:22
9 Q. Did you ever tell anyone that 13:40:23
10 you were spending four hours refreshing 13:40:29
11 the screen to -- 13:40:31
12 (Reporter clarification.) 13:40:31
13 BY MS. MARYOTT: 13:40:31
14 Q. -- look for shifts? 13:40:31
15 A. Yes. 13:40:52
16 Q. Who did you tell? 13:40:52
17 A. David Curtis. 13:40:55
18 Q. What did you tell him? 13:40:57
19 A. I e-mailed him. I got an 13:40:58
20 e-mail, which you got a copy of it. 13:41:00
21 Q. What did you say in your e-mail? 13:41:04
22 A. It takes hours to get a shift. 13:41:08
23 Q. And when you told him that, he 13:41:10
24 reminded you that they drop at a certain 13:41:14
25 time, right? 13:41:16

1	A.	Yes.	13:41:18
2	Q.	Okay. And then there were other	13:41:19
3		times where it's true, shifts would drop	13:41:21
4		sometimes outside of the -- the normal	13:41:24
5		time, right?	13:41:25
6	A.	Yes.	13:41:26
7	Q.	Okay. And did you get a	13:41:27
8		notification when that was happening?	13:41:31
9	A.	No.	13:41:32
10	Q.	And you're sure you signed up to	13:41:33
11		get alerts on that, right?	13:41:36
12	A.	Yes.	13:41:38
13	Q.	So why didn't you wait until	13:41:38
14		there was an alert letting you know shifts	13:41:44
15		were dropping to go online?	13:41:47
16	A.	Sometimes alert doesn't come.	13:41:52
17	Q.	Any other reason?	13:41:54
18	A.	No.	13:41:56
19	Q.	Now, Mr. Curtis helped you with	13:41:56
20		your technological challenges on the app;	13:42:02
21		is that right?	13:42:06
22	A.	Yes.	13:42:07
23	Q.	And Crystal Smith helped you	13:42:07
24		too?	13:42:10
25	A.	Yes.	13:42:11

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1 Q. Nicole Guzman also helped you? 13:42:12
2 A. Yes. 13:42:17
3 Q. And so did Julia Vessels, right? 13:42:17
4 A. No. 13:42:20
5 Q. She did not help you? 13:42:21
6 A. No. 13:42:22
7 Q. Did she help you with any of the 13:42:22
8 technology? 13:42:25
9 A. No. 13:42:25
10 MS. MARYOTT: Let's go ahead and 13:42:32
11 take a look at Exhibit 26, and -- I'm 13:42:33
12 sorry, not Exhibit 26, tab 26. It's 13:42:46
13 going to be Exhibit 9. 13:42:50
14 BY MS. MARYOTT: 13:42:50
15 Q. And while she's pulling that up, 13:42:53
16 Mr. Mabanta, let me ask you: Do you still 13:42:55
17 have the same phone that you had when you 13:42:57
18 were employed at Prime Now? 13:42:59
19 A. You said Exhibit 8? 13:43:01
20 Q. No. I'm sorry, it's going to be 13:43:12
21 Exhibit 9. I misspoke, but I'm going to 13:43:16
22 ask you a question while she's loading 13:43:16
23 that up, so apologies. 13:43:20
24 So we're loading Exhibit 9, and 13:43:23
25 while she's doing that I want to ask you: 13:43:25

1 Do you have the same cell phone that you 13:43:26
2 had when you were working at Prime Now? 13:43:28
3 A. I have the same number, but not 13:43:33
4 the same phone. 13:43:35
5 Q. Okay. And what happened to the 13:43:36
6 phone that you had while you were working 13:43:37
7 at Prime Now? 13:43:39
8 A. I had to change it a few times. 13:43:41
9 Q. So what happened to the phone 13:43:43
10 that you had while you were employed at 13:43:47
11 Prime Now? 13:43:51
12 A. I disposed it. 13:43:54
13 Q. When did you dispose of it? 13:43:56
14 A. During my work at Prime Now. 13:44:00
15 Q. Okay. And so while you were 13:44:02
16 working at Prime Now, you got a new phone? 13:44:07
17 A. Yes. 13:44:10
18 Q. And what happened to that phone? 13:44:11
19 A. I still have it. 13:44:15
20 Q. That's the one you have now? 13:44:17
21 A. Yes. 13:44:18
22 Q. So you had a prior phone, and 13:44:20
23 you still have the phone that you replaced 13:44:22
24 it with? 13:44:25
25 A. Yes. 13:44:26

1 Q. Okay. And you still have the 13:44:26
2 same laptop and desktop. I think we 13:44:30
3 established that, right? 13:44:33
4 A. Yes. 13:44:34
5 Q. Do you keep backups of those 13:44:34
6 computers? 13:44:37
7 A. No. 13:44:37
8 Q. No backups? 13:44:38
9 A. No. 13:44:41
10 Q. Have you had any technical 13:44:42
11 issues where you had to wipe either the 13:44:48
12 desktop or the laptop clean? 13:44:50
13 A. No. Well, the desktop broke one 13:44:53
14 time, so my son changed it. 13:45:05
15 Q. What do you mean he changed it? 13:45:07
16 A. He replaced it. 13:45:10
17 Q. So you've had two different 13:45:11
18 desktops? 13:45:14
19 A. Yes. 13:45:15
20 Q. Okay. So do you still have the 13:45:16
21 desktop that you had while you were 13:45:18
22 employed at Prime Now? 13:45:20
23 A. No. 13:45:25
24 Q. What happened to that desktop? 13:45:26
25 Where is it now? 13:45:31

1 A. I recycled it. 13:45:32

2 Q. When did you recycle it? 13:45:33

3 A. I don't remember anymore. 13:45:40

4 Q. Give me an estimate. 13:45:41

5 A. Sometime in 2018. 13:45:42

6 Q. Okay. Now we have Exhibit 9. 13:45:48

7 (Exhibit 9, E-mail bearing Bates 13:45:56

8 number MAB-PRIME_00000177, marked for 13:45:56

9 identification.) 13:45:56

10 A. Okay. I'm just going to 13:45:59

11 refresh. Yes, I have it in front of me. 13:46:01

12 BY MS. MARYOTT: 13:46:44

13 Q. So this is an e-mail that you 13:46:44

14 wrote to uca4-workforce@amazon.com and 13:46:46

15 David Curtis on June 28, 2018. 13:46:50

16 Do you see that? 13:46:53

17 A. Yes. 13:46:54

18 Q. Okay. And you sent this e-mail 13:46:55

19 at 1:22 in the afternoon? 13:46:57

20 A. I believe so. 13:47:00

21 Q. So you were -- 13:47:02

22 A. Hold on one sec. 13:47:05

23 Q. Uh-huh. 13:47:07

24 A. Exhibit 9, that's at 1:22:47. 13:47:12

25 It's 6/28. 13:47:18

1 Q. Yeah. 1:22 and 47 seconds to be 13:47:22
2 exact. 13:47:26

3 A. Okay. I have it right here. 13:47:26

4 Q. Okay. So do you recognize this 13:47:28
5 as an e-mail that you sent to David Curtis 13:47:31
6 and the uca4-workforce@amazon e-mail 13:47:36
7 address on June 28, 2018 at 1:22:00 p.m.? 13:47:41

8 A. I believe I did. 13:47:46

9 Q. Okay. And you were trying to 13:47:47
10 get on the dashboard to look at schedules? 13:47:51

11 A. Yes. 13:47:56

12 Q. Okay. And you mentioned here 13:47:57
13 that you had a great retraining with David 13:48:01
14 Curtis at the facility just a few days 13:48:03
15 earlier, right? 13:48:07

16 A. Yes. 13:48:08

17 Q. That retraining was to help you 13:48:08
18 because you were having difficulty working 13:48:11
19 the app, right? 13:48:14

20 A. Yes. 13:48:16

21 Q. And the app I'm talking about is 13:48:16
22 Amazon Moment, right? 13:48:20

23 A. Yes. 13:48:21

24 Q. So you were able to access the 13:48:21
25 Amazon Moment app when you were with 13:48:29

1 Mr. Curtis, right? 13:48:31

2 A. Yes. 13:48:34

3 Q. And then when you got home, it 13:48:34

4 didn't work for you anymore? 13:48:36

5 A. It didn't work again. 13:48:38

6 Q. And why do you think it wasn't 13:48:39

7 working when you got home from your 13:48:42

8 retraining? 13:48:45

9 A. I don't know. 13:48:47

10 Q. And so you mentioned that you 13:48:47

11 talked with Amazon support at the 13:48:59

12 800 number? 13:49:03

13 A. Yes. 13:49:04

14 Q. And when you contacted the 13:49:05

15 Amazon support at the 800 number, did they 13:49:09

16 walk you through the steps you had to do 13:49:11

17 to log in and get on the dashboard? 13:49:14

18 A. I believe so. 13:49:17

19 Q. Okay. And were you able to do 13:49:18

20 it when the Amazon support folks were 13:49:19

21 helping you? 13:49:23

22 A. I'm trying to read the letter. 13:49:28

23 In the letter it says that I was 13:49:36

24 able to get help, so that's what I mean. 13:49:38

25 Q. So when you -- when you called 13:49:46

1 Amazon support, did they help you get on 13:49:50
2 the dashboard? 13:49:52
3 A. I don't remember. 13:49:54
4 Q. Okay. Did you make notes during 13:49:56
5 your retraining with Mr. Curtis that would 13:50:05
6 help you get on the dashboard? 13:50:08
7 A. Yes. 13:50:11
8 Q. What did you do with those 13:50:12
9 notes? 13:50:15
10 A. I -- either I sent it or I threw 13:50:15
11 it away already. It's been going a -- a 13:50:24
12 long time. 13:50:33
13 Q. Have you thrown away documents 13:50:33
14 relating to your employment at Prime Now? 13:50:40
15 A. Some of the documents, yes. 13:50:46
16 Q. What documents have you thrown 13:50:48
17 away? 13:50:49
18 A. I don't remember. 13:50:50
19 Q. You don't remember a single one? 13:50:51
20 A. No. 13:50:54
21 Q. Do you remember when you threw 13:50:55
22 away documents relating to your employment 13:50:57
23 at Prime Now? 13:50:59
24 A. Yeah, when I got terminated. 13:51:01
25 Q. So let's look at Exhibit 10. 13:51:04

1 MS. MARYOTT: Please go ahead 13:51:45
2 and mark that, Hazel. It's tab 29. 13:51:46
3 MS. CHUANG: Okay. It should be 13:51:54
4 up. 13:52:26
5 MS. MARYOTT: Okay. 13:52:27
6 (Exhibit 10, E-mail string
7 beginning with Bates number
8 MAB-PRIME_00000381, marked for
9 identification.)
10 BY MS. MARYOTT:
11 Q. Mr. Mabanta, let me know when 13:52:28
12 you have Exhibit 10 up. 13:52:30
13 A. Exhibit 10? 13:52:31
14 Q. Yes. 13:52:58
15 A. Nothing. 13:52:59
16 Q. Are you having trouble pulling 13:53:02
17 it up? 13:53:04
18 A. I have it open. 13:53:04
19 Q. Okay, great. 13:53:06
20 So this is an e-mail that you 13:53:08
21 sent to Julia Vessels and copied Crystal 13:53:11
22 Smith and Greg Turner on July 2, 2018. 13:53:20
23 Do you see that? 13:53:21
24 A. Yes. 13:53:22
25 Q. And who is Ms. Vessels? 13:53:22

1 A. She's supposed to be the vice 13:53:27
2 president of human resources. That's what 13:53:30
3 she told me. 13:53:34

4 Q. Okay. So you noted to her that 13:53:36
5 you had been at the Irvine facility in 13:53:42
6 person on June 26, 2018, right? 13:53:44

7 A. Yep. 13:53:48

8 Q. And it looks like they helped 13:53:48
9 you with problems you were experiencing 13:53:49
10 with Amazon Moment and the HUB? 13:53:52

11 A. Yes. 13:53:56

12 Q. Okay. And as you describe it, 13:54:00
13 they were professional, helpful and 13:54:03
14 patient in assisting you, right? 13:54:06

15 A. Yes. 13:54:09

16 Q. And you were able to get the app 13:54:09
17 to work while you were there, and then as 13:54:14
18 reflected here, when you got home, you 13:54:17
19 couldn't make it work, right? 13:54:19

20 A. Yes. 13:54:21

21 Q. Okay. And then it's reflected 13:54:21
22 below that on June 2 -- I'm sorry -- 13:54:28
23 July 2, 2018, you went back to the 13:54:32
24 facility in Irvine? 13:54:34

25 A. Yes. 13:54:38

1 Q. Okay. Did you let anybody know 13:54:38
2 that you were coming to the facility 13:54:42
3 before you came in? 13:54:44

4 (Reporter clarification.) 13:54:44

5 A. There's no number there, no 13:54:52
6 contact there. You just have to show up. 13:54:58

7 BY MS. MARYOTT: 13:55:01

8 Q. So you would just show up at the 13:55:01
9 facility in Irvine and ask for help? 13:55:05

10 A. Yes. 13:55:07

11 Q. Okay. And on July 2, so a week 13:55:07
12 after you had been in for help, you went 13:55:10
13 back, and you talked to Crystal Smith, 13:55:13
14 right? 13:55:16

15 A. Yes. 13:55:16

16 Q. And she helped you through it, 13:55:17
17 suggested that you now change your 13:55:22
18 password, and she helped you log in, 13:55:24
19 right? 13:55:28

20 A. Yes. 13:55:29

21 Q. Okay. And so what did you 13:55:29
22 determine was the reason you couldn't work 13:55:33
23 the app? 13:55:35

24 A. I do not know. This doesn't 13:55:39
25 work. 13:55:47

1 Q. Were you able to get into Amazon 13:55:47
2 Moment after you left the fulfillment 13:55:50
3 center? 13:55:52
4 A. I can't remember now. 13:55:55
5 Q. How long were you at the 13:55:56
6 facility on July 2nd? 13:56:04
7 A. At least two, three hours all 13:56:06
8 the time. 13:56:11
9 Q. Why were you there so long? 13:56:11
10 A. She tried to fix it. Sometimes 13:56:15
11 I have to wait for somebody. 13:56:18
12 Q. Because people were working? 13:56:21
13 A. Yes. They were very nice and 13:56:22
14 accommodating there. 13:56:28
15 Q. Yes, they were. 13:56:30
16 Did you have trouble operating 13:56:34
17 your seller phone? 13:56:37
18 A. Yes, once in a while. 13:56:39
19 Q. What kinds of problems did you 13:56:43
20 have operating the seller phone? 13:56:44
21 A. Well, log in. 13:56:47
22 Q. You couldn't get it to log in? 13:56:49
23 A. Yes. 13:56:50
24 Q. Did you have the right login 13:56:51
25 information? 13:56:53

1 me. 13:58:36

2 Q. Okay. So the second e-mail on 13:58:36

3 this page -- oh, first of all, do you 13:58:39

4 recognize Exhibit 11 as an e-mail exchange 13:58:42

5 between you, David Curtis, Crystal Smith, 13:58:48

6 Julia Vessels on June 17 and June 20? 13:58:57

7 (Exhibit 11, E-mail string 13:59:05

8 beginning with Bates number 13:59:05

9 MAC-PRIME_00000874, marked for 13:59:05

10 identification.) 13:59:08

11 A. I believe that's the right 13:59:08

12 e-mail. 13:59:10

13 BY MS. MARYOTT: 13:59:11

14 Q. And on the June 17 e-mail that 13:59:11

15 you sent, you copied Jeff Bezos, right? 13:59:13

16 A. I believe so. 13:59:16

17 Q. Why did you copy Mr. Bezos? 13:59:17

18 A. I want him to know what's going 13:59:20

19 on with -- 13:59:22

20 (Reporter clarification.) 13:59:22

21 A. -- the facility, what's going 13:59:24

22 on. 13:59:34

23 BY MS. MARYOTT: 13:59:34

24 Q. So you shared that you were 13:59:38

25 having issues with the seller app; is that 13:59:40

1 right? 13:59:43

2 A. Yes. 13:59:43

3 Q. And on the first page of this 13:59:44

4 document, there's an e-mail from 13:59:50

5 Ms. Vessels to you dated June 20, 2018 13:59:55

6 where she says "I would like to set up a 13:59:59

7 meeting with you on-site, so that David, 14:00:02

8 you, and I can work out the tech issues 14:00:05

9 you are experiencing. Could you please 14:00:07

10 let me know when you would be available to 14:00:10

11 do so?" 14:00:12

12 Do you see that? 14:00:13

13 A. Is that from Prime Now? 14:00:23

14 Q. I'm just trying to know if you 14:00:25

15 see the e-mail that I'm referring to. 14:00:28

16 A. I'm trying to look for it. 14:00:29

17 Q. Do you need me to walk you 14:00:36

18 through it, Mr. Mabanta? 14:00:39

19 A. Yes, please. 14:00:40

20 Q. Okay. Do you see the top e-mail 14:00:40

21 is from you to Julia Vessels with a copy 14:00:42

22 to David Curtis and Crystal Smith. 14:00:46

23 Do you see that? 14:00:50

24 A. Yes. 14:00:51

25 Q. Okay. Now, look down, and 14:00:52

1 you'll see a line that starts with, On 14:00:55
2 Wednesday, June 20, 2018 at 7:29 p.m., 14:00:57
3 Vessels, Julia wrote. Do you see that? 14:01:04
4 A. Yes. 14:01:07
5 Q. Okay. And what Ms. Vessels 14:01:08
6 wrote to you was "I would like to set up a 14:01:14
7 meeting with you on-site so that David, 14:01:17
8 you, and I can work out the tech issues 14:01:20
9 you are experiencing. Could you please 14:01:23
10 let me know when you would be available to 14:01:25
11 do so?" 14:01:31
12 Do you see that? 14:01:32
13 A. What paragraph is it? 14:01:35
14 Q. It's the e-mail that starts with 14:01:38
15 "on Wednesday, June 20th" -- you're in 14:01:43
16 Exhibit 11, right? 14:01:47
17 A. Yes. 14:01:48
18 Q. Okay. So I'm going to walk you 14:01:48
19 through it, Mr. Mabanta. Do you see the 14:01:51
20 from line at the very top? Look at the 14:01:52
21 very top of the first page. 14:02:00
22 Do you see it? 14:02:03
23 A. Yes. 14:02:05
24 Q. Okay. Do you see it says 14:02:06
25 "from"? Do you see the word "from"? 14:02:07

1	A.	No.	14:02:15
2		MS. BAKER: Mario, I think you	14:02:22
3		might be in the wrong exhibit. If you	14:02:24
4		go back to the folder of marked	14:02:25
5		exhibits and refresh, it's now showing	14:02:29
6		up as Exhibit 11.	14:02:31
7		THE WITNESS: I'm in Exhibit 11	14:02:35
8		right now.	14:02:37
9		MS. BAKER: Okay.	14:02:37
10	BY MS. MARYOTT:		14:02:37
11	Q.	What do you see at the top of	14:02:38
12		the document?	14:02:40
13	A.	"From Maroo Mabanta."	14:02:50
14	Q.	So you see the word "from"?	14:02:53
15	A.	Yes.	14:02:55
16	Q.	Okay. You see it says "from,"	14:02:55
17		and then it says "sent"?	14:02:57
18	A.	Yes.	14:02:58
19	Q.	And it says "to"?	14:02:58
20	A.	Yes.	14:03:00
21	Q.	And it says "cc"?	14:03:00
22	A.	Yes.	14:03:01
23	Q.	And it says "Subject"?	14:03:04
24	A.	Yes.	14:03:05
25	Q.	Okay. Now, keep going until you	14:03:05

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1 see the word "on Wednesday" -- the words 14:03:08
2 "on Wednesday." Tell me when you see 14:03:12
3 that. 14:03:17
4 A. Is it the beginning of the 14:03:50
5 sentence? 14:03:52
6 Q. Yes. Do you see your phone 14:03:52
7 number? So go back to the top. 14:04:01
8 A. Yes. 14:04:03
9 Q. You see "from, sent, to, cc,
10 subject," right? 14:04:08
11 A. Yes. June 20 -- 14:04:09
12 (Reporter clarification.) 14:04:09
13 BY MS. MARYOTT: 14:04:09
14 Q. Wait until I'm done, 14:04:09
15 Mr. Mabanta. 14:04:18
16 A. Yes. 14:04:18
17 Q. And you see "Hello Ms. Vessels." 14:04:19
18 Do you see that? 14:04:23
19 A. Yes. 14:04:23
20 Q. Look down. Do you see your 14:04:24
21 phone number? 14:04:26
22 A. Yes. 14:04:27
23 Q. Right below that do you see "on 14:04:27
24 Wednesday, June 20, 2018"? 14:04:32
25 A. Yes. 14:04:34

1 Q. Okay. This is the e-mail from 14:04:34
2 Ms. Vessels to you, right? 14:04:37
3 A. Yes. 14:04:40
4 Q. Why don't you read that for us, 14:04:41
5 please? 14:04:44
6 A. "I would like to set up a 14:04:44
7 meeting with you on-site so that David, 14:04:46
8 you, and I can work out the tech issues 14:04:49
9 you are experiencing. Could you please 14:04:53
10 let me know when you would be available to 14:04:55
11 do so?" 14:04:58
12 Q. So it is true then that 14:04:59
13 Ms. Vessels offered to meet with you to 14:05:01
14 help you with your technical issues, 14:05:03
15 right? 14:05:05
16 (Reporter clarification.) 14:05:07
17 A. I believe in this letter, it was 14:05:07
18 yes. 14:05:23
19 BY MS. MARYOTT: 14:05:23
20 Q. So yes, she offered to work with 14:05:30
21 you on your technical problems, right? 14:05:32
22 A. Yes. 14:05:33
23 Q. And then you gave her some 14:05:34
24 availability when you could meet? 14:05:40
25 A. I'm trying to look at it when. 14:05:42

1 Q. The top part of the e-mail. 14:05:45
2 A. Yes. 14:05:54
3 Q. And did you meet with 14:05:55
4 Ms. Vessels so she could help you with the 14:05:57
5 technical challenges you were having with 14:06:00
6 the app? 14:06:01
7 A. No. 14:06:02
8 Q. Why not? 14:06:02
9 A. We -- we never met. I met her 14:06:04
10 once, not for this. I met her once when 14:06:13
11 she just stopped by just to say hello. 14:06:16
12 Q. Were there times when you had 14:06:21
13 trouble logging in for your shift and you 14:06:27
14 needed help from other shoppers to do it? 14:06:29
15 A. Yes. 14:06:33
16 Q. How often did that happen? 14:06:33
17 A. Most of the time. 14:06:37
18 Q. Most of the time you had 14:06:38
19 difficulty logging in? 14:06:40
20 A. Yes. It's not only me. It's 14:06:42
21 other shoppers too. 14:06:51
22 Q. I'm sorry, what did you say? 14:06:52
23 A. It's not only me. It's some 14:06:55
24 other shoppers also. 14:06:57
25 Q. What other shoppers needed help 14:06:58

1 logging in? 14:07:01

2 A. I can -- I can -- I can't name 14:07:04

3 names, but there's about three or four. 14:07:06

4 Q. At what location? 14:07:10

5 A. Laguna Niguel, Brea. 14:07:13

6 Q. Was the seller app the same at 14:07:17

7 Brea as it was at Laguna Niguel? 14:07:27

8 A. Yes. 14:07:28

9 Q. Now, we've talked about the 14:07:29

10 occasions when you had difficulty 14:07:45

11 operating the Amazon Moment scheduling app 14:07:47

12 and needed assistance, but there were also 14:07:52

13 many occasions when you were able to log 14:07:55

14 in and pick up shifts within five minutes 14:07:58

15 of them dropping; is that right? 14:08:01

16 A. Yes. 14:08:03

17 Q. And on how many occasions did 14:08:03

18 you pick up shifts within five minutes of 14:08:06

19 them dropping? 14:08:09

20 A. About 10 percent. 14:08:12

21 Q. 10 percent of the time? 14:08:13

22 A. Yes. 14:08:15

23 Q. And what are you basing the 14:08:20

24 10 percent number on? 14:08:22

25 A. Because most of the time it 14:08:27

1 doesn't work. 14:08:28

2 Q. So are you just making 14:08:29

3 up 10 percent? How are you coming up 14:08:35

4 with 10 percent? 14:08:37

5 A. No. 14:08:39

6 Q. So how did you come up 14:08:41

7 with 10 percent? 14:08:44

8 A. Well, I'm assuming -- I'm 14:08:45

9 calculating in my head how many times it 14:08:47

10 worked and how many times it did not work. 14:08:52

11 Most of the time it did not work. 14:08:55

12 Q. Okay. So how many times did you 14:08:57

13 go online to sign up for shifts? 14:09:08

14 A. Every time a shift drops on the 14:09:10

15 certain day, I'm in. I'm waiting. 14:09:16

16 Q. So how many times did you go 14:09:19

17 online to look for shifts? 14:09:26

18 A. I do not remember. 14:09:29

19 Q. Do you have an estimate? 14:09:30

20 A. 10 percent -- oh, how many times 14:09:33

21 I go online? 14:09:39

22 Q. To look for shifts. 14:09:41

23 A. All the time. 14:09:43

24 Q. Can you give me a number 14:09:45

25 estimate of how many times you went online 14:09:46

1 to look for shifts? 14:09:48

2 A. I can't remember a number. 14:09:51

3 Q. So what is the basis for your 14:09:53

4 10 percent calculation if you don't recall 14:09:55

5 how many times you went in? 14:09:58

6 A. Because every time I come in, it 14:10:03

7 won't work. There's a problem with the -- 14:10:05

8 with the app. That's why they needed to 14:10:19

9 redo it. 14:10:21

10 Q. What do you mean there was a 14:10:24

11 problem with the app, and they had to redo 14:10:25

12 it? 14:10:28

13 A. They had to redo it to change it 14:10:28

14 from 4:30 to 6:30 because they were having 14:10:30

15 problems, so a lot of people were 14:10:34

16 complaining. 14:10:39

17 Q. So my question, Mr. Mabanta, a 14:10:39

18 minute ago was, What was the basis for 14:10:44

19 your 10 percent calculation. And in order 14:10:46

20 to come up with a percentage, we would 14:10:49

21 need to know how many times you logged in 14:10:50

22 to try to obtain shifts. 14:10:53

23 Am I right that you don't have a 14:10:56

24 number in mind? 14:10:57

25 A. I do not have a number in mind. 14:10:58

1 Q. Okay. So when you said a minute 14:11:02
2 ago you were calculating in your head how 14:11:05
3 many times it work -- how many times it 14:11:07
4 worked, what was the calculation you were 14:11:09
5 doing? 14:11:10

6 A. When it worked -- it did not 14:11:14
7 work that much in spite of me. 14:11:17

8 Q. So -- 14:11:23

9 MS. BAKER: Mario, were you 14:11:23
10 making an approximation? 14:11:25

11 MS. MARYOTT: Counsel, that's 14:11:26
12 not appropriate. You can ask him 14:11:27
13 questions later if you want. 14:11:29

14 MS. BAKER: Okay. Well, your 14:11:30
15 questions aren't -- 14:11:32

16 MS. MARYOTT: You can object to 14:11:34
17 form. 14:11:35

18 (Reporter clarification.) 14:11:35

19 MS. MARYOTT: I'm going first, 14:11:42
20 Ms. Baker. No coaching the witness, 14:11:43
21 please. He can answer the question. 14:11:45
22 He testified he made a calculation. 14:11:47
23 If you want to ask him questions 14:11:50
24 later, you should feel free, but 14:11:51
25 please don't do that again. 14:11:54

1 MS. BAKER: I am not 14:11:55
2 interrupting you. If he understands a 14:11:57
3 question, he can answer it. If he 14:11:59
4 doesn't understand it, he can tell you 14:12:01
5 that. He's testifying. He's the 14:12:03
6 witness. 14:12:05

7 MS. MARYOTT: Exactly, not you, 14:12:06
8 so please don't ask him anymore 14:12:07
9 questions during my time. I'd 14:12:09
10 appreciate that. It's highly 14:12:11
11 improper. 14:12:13

12 BY MS. MARYOTT: 14:12:13

13 Q. So, Mr. Mabanta, when you said a 14:12:18
14 minute ago that you were calculating in 14:12:25
15 your head how many times the app worked 14:12:27
16 versus how many times it didn't work, what 14:12:35
17 calculation were you doing? 14:12:37

18 MS. BAKER: Objection, misstates 14:12:39
19 testimony. 14:12:40

20 MS. MARYOTT: Counsel, we're in 14:12:42
21 federal court, and the appropriate 14:12:43
22 objection is "objection to the form." 14:12:45
23 Thank you. 14:12:47

24 BY MS. MARYOTT: 14:12:47

25 Q. Go ahead, Mr. Mabanta. You can 14:12:50

1 answer. 14:12:52

2 A. I do not remember. 14:12:53

3 Q. So when you said you were doing 14:12:54

4 a calculation in your head, what did you 14:12:58

5 mean? 14:13:02

6 A. I mean that 10 percent is my 14:13:05

7 estimate, guesstimate. 14:13:09

8 Q. So you're guessing? 14:13:11

9 A. I'm guessing. 14:13:12

10 Q. Have you ever been disciplined 14:13:13

11 for not picking up the minimum number of 14:13:19

12 shifts? 14:13:22

13 A. Never. 14:13:24

14 Q. Do you know of any shoppers who 14:13:24

15 were disciplined for not picking up or 14:13:28

16 working enough shifts? 14:13:31

17 A. Not that I know. 14:13:33

18 MS. MARYOTT: Why don't -- this 14:13:53

19 is a good time for a break. We've 14:13:55

20 been on for about an hour. Why don't 14:13:58

21 we go ahead and take ten minutes. 14:14:01

22 THE WITNESS: Okay. 14:14:04

23 THE VIDEOGRAPHER: Off the 14:14:05

24 record. The time is 2:14 p.m. 14:14:06

25 (Whereupon, a brief recess is 14:27:26

1	taken.)	14:27:26
2	THE VIDEOGRAPHER: Back on the	14:27:26
3	record. The time is 2:27 p.m.	14:27:35
4	MS. MARYOTT: Okay. We're going	14:27:42
5	to mark a new exhibit, Exhibit 12.	14:27:43
6	And Hazel, that is document 28.	14:27:46
7	MS. CHUANG: Okay. It should	14:27:51
8	come up in a couple of seconds. Okay.	14:28:08
9	It should be there.	14:28:14
10	MS. MARYOTT: I see it. Thank	14:28:15
11	you.	14:28:16
12	(Exhibit 12, E-mail string	14:28:16
13	beginning with Bates number	14:28:16
14	MAC-PRIME_00000379, marked for	14:28:16
15	identification.)	14:28:17
16	BY MS. MARYOTT:	14:28:17
17	Q. Mr. Mabanta, let me know when	14:28:17
18	you have Exhibit 12 up on your screen.	14:28:19
19	A. I've got it.	14:29:00
20	Q. Okay. So if you could look at	14:29:03
21	the second page, do you see where it says	14:29:06
22	"Prime Now"? Do you see the logo?	14:29:13
23	A. Yes.	14:29:14
24	Q. Okay. So right below that is	14:29:15
25	the first e-mail in this exchange, and	14:29:17

1	it's an e-mail that you sent to David	14:29:21
2	Curtis, Julia Vessels and Crystal Smith on	14:29:24
3	June 27, 2018 at 12:50 a.m., right?	14:29:29
4	A. 12:50 a.m., yes.	14:29:34
5	Q. Okay. And in the first line of	14:29:35
6	the e-mail, you reference the "great day	14:29:39
7	today," which was June 26th, right?	14:29:43
8	A. Yes.	14:29:47
9	Q. Okay. And you note in the	14:29:48
10	fourth paragraph that you learned a lot,	14:29:53
11	but once you got home, you could not get	14:29:57
12	back to CSSM, and that's Amazon Moment,	14:30:00
13	right?	14:30:05
14	A. Yes.	14:30:06
15	Q. Okay. And you indicated what	14:30:06
16	your password was that you were using,	14:30:10
17	right?	14:30:13
18	A. Yes.	14:30:19
19	Q. Okay. And you told Julia and	14:30:20
20	others that you couldn't get shifts again	14:30:25
21	because you can't log in; is that right?	14:30:27
22	A. Yes.	14:30:30
23	Q. Okay. And so if you go up and	14:30:31
24	find the response from Crystal Smith,	14:30:35
25	which starts on the bottom of page 1, let	14:30:40

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1 me know when you see that. 14:30:44

2 A. "Hello, Mario, apologies for the 14:30:47

3 delay of your e-mail." 14:30:49

4 Q. Yes. That's -- we're in the 14:30:50

5 right place. And so she noted that she 14:30:52

6 understood that you were having log-in 14:30:58

7 issues, right? 14:31:00

8 A. Yes. 14:31:01

9 Q. And she informed you that "It 14:31:01

10 definitely appears that the error message 14:31:04

11 'Invalid log-in' is occurring because 14:31:08

12 you've typed in your log-in or your 14:31:12

13 password incorrectly." 14:31:14

14 Do you see that? 14:31:15

15 (Reporter clarification.) 14:31:15

16 A. That's what I'm reading. 14:31:26

17 MS. MARYOTT: That's what I'm 14:31:26

18 reading. 14:31:26

19 BY MS. MARYOTT: 14:31:28

20 Q. And then Crystal reminded you to 14:31:28

21 double and triple check all of your 14:31:34

22 spellings, spaces and capitalization, 14:31:37

23 right? 14:31:40

24 A. Yes. 14:31:41

25 Q. Okay. She also noted that she 14:31:41

1 was able to log in using your credentials 14:31:45
2 and password and that it worked, right? 14:31:48
3 A. That's what it said, yes. 14:31:51
4 Q. Okay. Do you have any reason to 14:31:54
5 doubt that she was able to get in using 14:31:55
6 your log in and password? 14:31:58
7 A. I don't know. 14:32:02
8 Q. Do you doubt that she did that? 14:32:07
9 A. I don't know what she did 14:32:12
10 because I was not there. 14:32:13
11 Q. Okay. But she told you she was 14:32:14
12 able to get in using your password. You 14:32:20
13 just weren't there so you don't know if 14:32:23
14 that actually happened? 14:32:29
15 A. Yes. 14:32:30
16 Q. And then you were able to go in 14:32:30
17 the -- later that day, log in and get 14:32:33
18 shifts, right? 14:32:37
19 A. Yes. 14:32:46
20 Q. Do you think Ms. Smith was not 14:32:47
21 telling the truth when she said that she 14:32:55
22 was able to log in using your log-in and 14:32:57
23 password? 14:33:03
24 A. I don't know her too well, so I 14:33:04
25 don't know. 14:33:06

1 Q. Okay. And did you check to make 14:33:06
2 sure you were typing your password in 14:33:16
3 correctly after that? 14:33:20
4 A. All the time. 14:33:21
5 Q. And were you able to get in and 14:33:22
6 obtain shifts without issues after that? 14:33:24
7 A. After that, yes. 14:33:26
8 MS. MARYOTT: Let's take a look 14:33:46
9 at Exhibit 13, which is tab 44, Hazel. 14:33:47
10 BY MS. MARYOTT: 14:33:47
11 Q. Mr. Mabanta, let me know when 14:34:35
12 you've got Exhibit 13 pulled up. 14:34:37
13 A. It doesn't show up yet. I'm 14:34:39
14 going to refresh again. 14:34:42
15 (Exhibit 13, US Working Hours 14:34:43
16 Non-Exempt/Hourly Policy beginning 14:34:43
17 with Bates number Prime_00013298, 14:34:43
18 marked for identification.) 14:34:43
19 A. I got it. 14:35:04
20 BY MS. MARYOTT: 14:35:04
21 Q. Okay. Do you recognize 14:35:06
22 Exhibit 13 as the "US Working Hours 14:35:09
23 (Non-Exempt/Hourly) Policy"? 14:35:12
24 A. Yes. 14:35:21
25 Q. You got a copy of this when you 14:35:25

1 started your employment at Prime Now, 14:35:26
2 correct? 14:35:28
3 A. I didn't get any paper. 14:35:28
4 Q. Did you receive it 14:35:30
5 electronically? 14:35:31
6 A. No. 14:35:33
7 Q. Are you certain? 14:35:34
8 A. I'm certain I didn't receive 14:35:52
9 anything. 14:35:54
10 Q. Well, why don't we switch to 14:35:54
11 Exhibit 14 for a minute. We'll go ahead 14:36:01
12 and pull that up. 14:36:04
13 MS. MARYOTT: Hazel, that's 14:36:05
14 tab 43. 14:36:08
15 MS. CHUANG: It should be up. 14:36:10
16 MS. MARYOTT: Thank you. 14:36:22
17 (Exhibit 14, Amazon Working 14:36:22
18 Hours Policy Acknowledgement Form 14:36:22
19 beginning with Bates number 14:36:22
20 MAC-PRIME_00000101, marked for 14:36:22
21 identification.) 14:36:24
22 BY MS. MARYOTT: 14:36:24
23 Q. So go ahead and open up 14:36:24
24 Exhibit 14, Mr. Mabanta, and tell me when 14:36:25
25 you have that open. 14:36:27

1	A.	I have it open.	14:36:34
2	Q.	Okay. Do you recognize	14:36:35
3		Exhibit 14 as the Amazon Working Hours	14:36:39
4		Policy Acknowledgment Form?	14:36:43
5	A.	No.	14:36:45
6	Q.	Okay. Look in the upper	14:36:45
7		left-hand corner. Do you see it says	14:36:48
8		"Acknowledged by maroomarool1112@gmail.com	14:36:56
9		3/19/2018, 6:27:04 a.m."	14:37:08
10		Do you see that?	14:37:13
11	A.	I'm trying to enlarge it. Yes,	14:37:18
12		I see it there.	14:37:20
13	Q.	And so this reflects that you	14:37:21
14		acknowledged access to a copy of the	14:37:26
15		Working Hours Policy; is that right?	14:37:31
16	A.	That's what it said.	14:37:35
17	Q.	Do you have any reason to	14:37:36
18		believe that you didn't acknowledge it	14:37:38
19		using your personal e-mail address on	14:37:40
20		March 19, 2018?	14:37:43
21	A.	If I did receive it, I did not	14:37:47
22		remember. I don't remember.	14:37:50
23	Q.	Do you have any reason to	14:37:50
24		believe that you did not electronically	14:37:53
25		acknowledge the policy?	14:37:56

1 period requirements applied to you while 14:39:28
2 you were working at Prime Now? 14:39:32
3 A. No, because it was four-hour 14:39:35
4 shifts. 14:39:38
5 Q. Okay. But you understood if you 14:39:38
6 worked a certain -- if you worked five 14:39:40
7 hours or more, that you could take a meal 14:39:42
8 period, right? 14:39:46
9 A. Yes. 14:39:47
10 Q. So you understood the policy, 14:39:48
11 right? 14:39:50
12 A. I understood that. 14:39:50
13 Q. Sure. And you also understood 14:39:51
14 that you were responsible for taking your 14:39:54
15 paid rest breaks, right? 14:39:58
16 A. I didn't know that we were paid 14:40:01
17 for rest breaks. 14:40:04
18 Q. Okay. Did you understand that 14:40:05
19 no one could allow or ask you to perform 14:40:19
20 work off the clock without being paid? 14:40:21
21 A. What was that again? 14:40:27
22 Q. Did you understand that no one 14:40:29
23 could allow you or ask you to perform work 14:40:31
24 off the clock without being paid? 14:40:34
25 A. I did not know that because I 14:40:37

1 was report -- I was -- I was -- I was 14:40:39
2 asked to report to the facility without 14:40:43
3 getting paid by David Curtis. When I was 14:40:47
4 having problems with my Amazon Moment, he 14:41:00
5 asked me to come over, and he knows -- 14:41:08
6 (Reporter clarification.) 14:41:08
7 A. -- I'm not getting paid for it. 14:41:14
8 BY MS. MARYOTT: 14:41:18
9 Q. And you were there because you 14:41:18
10 couldn't work the technology, right? 14:41:19
11 A. Yes. 14:41:22
12 Q. Did you perform any work while 14:41:22
13 you were at the FC getting additional help 14:41:30
14 with your technological challenges? 14:41:34
15 A. We were -- we were -- we were 14:41:38
16 trying to fix the problem. That's all, 14:41:39
17 but some -- something to do with work. 14:41:44
18 Q. You said a minute ago that you 14:41:46
19 didn't know the rest breaks were paid; is 14:41:50
20 that right? 14:41:52
21 A. Yes. 14:41:55
22 Q. Did you pay your employees for 14:41:55
23 their rest breaks when they took them? 14:41:57
24 A. Yes. 14:41:59
25 Q. So how is it you didn't know 14:41:59

1	that you got paid for rest breaks at	14:42:04
2	Prime Now?	14:42:07
3	A. I didn't get paid for it. I did	14:42:08
4	not get paid for it.	14:42:09
5	Q. You don't think you got paid for	14:42:11
6	your rest breaks?	14:42:12
7	A. No.	14:42:14
8	Q. What are you basing that on?	14:42:14
9	A. Well, on my paycheck.	14:42:16
10	Q. Okay. Are you claiming that	14:42:20
11	Prime Now deducted the time you spent on	14:42:25
12	your rest breaks from your paycheck?	14:42:27
13	A. What's that again?	14:42:32
14	Q. Are you claiming that Prime Now	14:42:33
15	deducted the time you spent on your rest	14:42:37
16	breaks from your paycheck?	14:42:39
17	A. I do not know. I don't know.	14:42:42
18	Q. Well, you just said a minute ago	14:42:47
19	that you didn't think you got paid for the	14:42:50
20	rest breaks based on your paycheck. Can	14:42:54
21	you explain what you mean?	14:42:56
22	A. When my paychecks says per hour,	14:42:59
23	four hours work, four hours paid, and I	14:43:03
24	don't -- I don't take breaks.	14:43:10
25	Q. Okay. You understood that you	14:43:13

1 were entitled to take rest breaks, right? 14:43:20

2 A. What was that again? 14:43:24

3 Q. You understood that you were 14:43:26

4 entitled to take rest breaks, correct? 14:43:27

5 A. Well, bathroom breaks I 14:43:30

6 remember, yes. 14:43:32

7 Q. And -- and rest breaks as well? 14:43:32

8 A. Not that I know of. 14:43:36

9 Q. Let's go back to Exhibit 13. 14:43:38

10 And that's already loaded, Mr. Mabanta, so 14:43:56

11 you should be able to pull it up pretty 14:44:00

12 easily. 14:44:04

13 A. Okay. 14:44:04

14 Q. So this is the US Working Hours 14:44:05

15 Non-Exempt/Hourly Policy that we saw you 14:44:07

16 electronically acknowledged on Exhibit 14. 14:44:12

17 Are you with me? 14:44:16

18 A. I don't remember receiving this. 14:44:23

19 Q. Did you make a point of opening 14:44:24

20 things that Amazon sent to you? 14:44:30

21 A. All the time. 14:44:35

22 Q. Okay. So are you saying you 14:44:36

23 weren't aware of this policy at all, 14:44:41

24 Mr. Mabanta? 14:44:43

25 A. I'm not aware of it. 14:44:47

1 Q. Because you don't remember if 14:44:48
2 you saw it or not? 14:44:49
3 A. I don't remember seeing it. 14:44:51
4 Q. It doesn't mean you didn't see 14:44:52
5 it, right? 14:44:55
6 A. I did not see it. 14:44:56
7 Q. How are you so confident that 14:44:57
8 you didn't see it? 14:44:59
9 A. Well, because I have -- 14:45:02
10 (Reporter clarification.) 14:45:02
11 A. I have a file for Amazon because 14:45:13
12 that was my first job after how many 14:45:15
13 years. I want to keep everything proper. 14:45:18
14 BY MS. MARYOTT: 14:45:18
15 Q. What did you keep in this file? 14:45:23
16 A. All of my e-mails, all my 14:45:25
17 policies if there was any. It was -- it 14:45:33
18 was meant for me. I had a copy. 14:45:38
19 Q. Okay. So is there any reason 14:45:43
20 you didn't print out the US Working Hours 14:45:45
21 Policy and put it in your file? 14:45:50
22 A. Because I did not receive it. 14:45:57
23 Q. Okay. 14:45:57
24 (Reporter clarification.) 14:45:57
25 A. I'm sorry. 14:45:57

1 That's all I can remember. If I 14:45:59
2 did not receive it, I did not print it. 14:46:01
3 BY MS. MARYOTT: 14:46:01
4 Q. So when you received things from 14:46:15
5 Amazon that required an acknowledgment, 14:46:17
6 did you typically review them? 14:46:22
7 A. All the time. 14:46:23
8 Q. And did you make sure you 14:46:28
9 understood what you were acknowledging 14:46:30
10 before you acknowledged it? 14:46:32
11 A. Yes. 14:46:33
12 Q. And were there any occasions 14:46:33
13 where you refused to acknowledge 14:46:35
14 something? 14:46:37
15 A. No. 14:46:38
16 Q. And if you didn't understand 14:46:44
17 what you were acknowledging, would you 14:46:45
18 reach out to somebody and ask questions? 14:46:49
19 A. If I didn't understand it, I 14:46:51
20 would ask questions. 14:46:55
21 Q. So let's take a look at the 14:46:56
22 second page of Exhibit 13. It's the 14:47:04
23 second paragraph from the bottom. It says 14:47:09
24 "Rest Breaks." 14:47:12
25 Do you see that? 14:47:14

1	A.	Yes.	14:47:30
2	Q.	And it says there "Amazon	14:47:30
3		provides all associates a minimum ten	14:47:33
4		minute break for every four hours worked,	14:47:36
5		or major fraction thereof."	14:47:38
6		Do you understand that was	14:47:41
7		Amazon's policy?	14:47:42
8	A.	I don't remember it.	14:47:45
9	Q.	So as you sit here today, do you	14:47:49
10		have any recollection whatsoever of	14:47:51
11		Amazon's rest break policy?	14:47:53
12	A.	No.	14:47:57
13	Q.	It goes on to say "These rest	14:48:04
14		breaks are paid and associates should not	14:48:05
15		clock in or out for them."	14:48:08
16		Do you have any recollection	14:48:10
17		that that is Amazon's policy?	14:48:12
18	A.	No. See, nobody told us about	14:48:15
19		all these things, all the breaks or --	14:48:23
20	Q.	But they did tell you,	14:48:27
21		Mr. Mabanta, because you received this	14:48:30
22		policy; did you not?	14:48:32
23	MS. BAKER:	Objection,	14:48:34
24		argumentative.	14:48:35
25	A.	I didn't receive this one.	14:48:37

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1 BY MS. MARYOTT: 14:48:37

2 Q. Did you receive a different one 14:48:40

3 describing the rest break policy? 14:48:42

4 A. No. Exhibit 14 said they sent 14:48:44

5 me an e-mail. It doesn't say about rest 14:48:52

6 breaks. 14:48:55

7 Q. So, Mr. Mabanta, Exhibit 14 -- 14:48:59

8 let's go back to that. Let me know when 14:49:04

9 you have Exhibit 14 up. 14:49:15

10 A. I have Exhibit 14. 14:49:17

11 Q. Okay. So this document which 14:49:18

12 reflects that you electronically 14:49:22

13 acknowledged it on March 29, 2018 says "By 14:49:25

14 clicking 'Acknowledge' above, I 14:49:28

15 acknowledge that I have access to a copy 14:49:31

16 of the Working Hours Non-Exempt/Hourly 14:49:33

17 policy through MyDocs and that I am 14:49:38

18 responsible for reading, understanding, 14:49:41

19 and complying with the Working Hours 14:49:43

20 Policy." 14:49:46

21 Do you see that? 14:49:47

22 (Reporter clarification.) 14:49:47

23 A. Working Hours Policy occurred. 14:49:59

24 BY MS. MARYOTT: 14:50:02

25 Q. And the Working Hours Policy is 14:50:02

1 Exhibit 13 that we were looking at. Do 14:50:09
2 you understand that? 14:50:13
3 A. Yes, but I never received 13. 14:50:14
4 Q. But you acknowledged that you 14:50:24
5 had access to a copy of it when you 14:50:26
6 acknowledged -- when you electronically 14:50:29
7 acknowledged what appears in Exhibit 14, 14:50:32
8 right? 14:50:35
9 MS. BAKER: Objection, misstates 14:50:35
10 testimony. 14:50:37
11 BY MS. MARYOTT: 14:50:37
12 Q. You can answer. 14:50:45
13 A. Exhibit 14, it says here I 14:50:47
14 acknowledge receiving it -- 14:50:50
15 (Reporter clarification.) 14:50:50
16 A. -- but Exhibit 13 wasn't there. 14:50:59
17 (Reporter clarification.) 14:50:59
18 A. Yes, that I know of. 14:51:07
19 BY MS. MARYOTT: 14:51:08
20 Q. Well, how do you remember that? 14:51:08
21 A. Well, it says here -- 14:51:10
22 (Reporter clarification.) 14:51:10
23 A. -- everything in front of me. 14:51:19
24 Exhibit 14 says "acknowledge by 14:51:22
25 maroomaroo1112@gmail.com -- 14:51:26

1 (Reporter clarification.) 14:51:26

2 A. "On 3/19/2018 at 6:27 a.m." 14:51:38

3 BY MS. MARYOTT: 14:51:49

4 Q. So, Mr. Mabanta, is it your 14:51:49

5 testimony that you did not have access to 14:51:52

6 a copy of the Working Hours Policy through 14:51:54

7 MyDocs? 14:51:59

8 A. No. I didn't receive anything. 14:52:01

9 Q. That wasn't my question. 14:52:02

10 Is it your testimony that you 14:52:06

11 did not have access to a copy of the 14:52:08

12 Working Hours Policy? 14:52:12

13 MS. BAKER: Objection, asked and 14:52:15

14 answered. 14:52:16

15 A. I have not received a copy or 14:52:18

16 seen a copy of Working Hours 14:52:22

17 Non-Exempt/Hourly Policy. 14:52:22

18 BY MS. MARYOTT: 14:52:29

19 Q. Okay. So I'm going to try to 14:52:29

20 ask it one more time, Mr. Mabanta. It 14:52:32

21 says here "I acknowledge that I have 14:52:35

22 access to a copy of the Working Hours 14:52:39

23 Policy." 14:52:39

24 Do you see that, on Exhibit 14? 14:52:44

25 A. What part is it? 14:52:50

1 Q. It's the very first paragraph. 14:52:52
2 (Reporter clarification.) 14:52:52
3 A. "By clicking 'Acknowledge' 14:53:11
4 above, I acknowledge that I have access to 14:53:12
5 a copy of the Working Hours 14:53:16
6 Non-Exempt/Hourly Policy through MyDocs." 14:53:21
7 Q. Keep going. 14:53:23
8 A. "That I am responsible for 14:53:26
9 reading, understanding, and complying with 14:53:28
10 our Working Hours Policy." 14:53:33
11 I'm an hourly employee. I'm 14:53:35
12 "responsible for reporting all hours 14:53:38
13 worked; taking a free unpaid 30 minute 14:53:40
14 meal break; and taking paid rest breaks. 14:53:46
15 I understand that no one may allow us to 14:53:50
16 ask to perform work or to clock off 14:53:53
17 without being paid. 14:53:57
18 (Reporter clarification.) 14:53:57
19 BY MS. MARYOTT: 14:54:12
20 Q. Mr. Mabanta, you meant to say 14:54:12
21 perform work off the clock without being 14:54:19
22 paid, right? 14:54:20
23 A. Yes. 14:54:21
24 Q. So back to my question. Now 14:54:21
25 that you've read that, is it your 14:54:26

1 testimony that you did not have access to 14:54:28
2 a copy of the Working Hours 14:54:31
3 Non-Exempt/Hourly Policy? 14:54:38
4 MS. BAKER: Objection, asked and 14:54:38
5 answered. 14:54:39
6 A. Do I answer it now? 14:54:42
7 BY MS. MARYOTT: 14:54:45
8 Q. Yes. 14:54:45
9 A. I do not have a copy or 14:54:58
10 knowledge of the copy of the working hours 14:55:01
11 that's been asked by me -- by counsel. 14:55:05
12 Q. Mr. Mabanta, what do you 14:55:21
13 understand this lawsuit to be about? 14:55:22
14 MS. BAKER: Objection, calls for 14:55:24
15 a legal conclusion. 14:55:25
16 BY MS. MARYOTT: 14:55:25
17 Q. Just in your own words, not 14:55:27
18 anything a lawyer told you. 14:55:29
19 A. When I've been paid for hours 14:55:36
20 that we were supposed to be paid, waiting 14:55:37
21 for time while we're signing in. That's 14:55:44
22 on our own time. 14:55:53
23 Q. Anything else? 14:56:00
24 MS. BAKER: Object again. It 14:56:02
25 calls for a legal conclusion. 14:56:04

1 A. That's it. For hours we worked 14:56:08
2 without being paid. 14:56:13
3 BY MS. MARYOTT: 14:56:14
4 Q. And what work specifically are 14:56:14
5 you saying you weren't paid for? 14:56:17
6 MS. BAKER: Objection, calls for 14:56:20
7 a legal conclusion. He's not a 14:56:21
8 lawyer. 14:56:23
9 A. I do not remem- -- I do not 14:56:26
10 know. 14:56:26
11 BY MS. MARYOTT: 14:56:28
12 Q. Do you understand that you are 14:56:28
13 being put forward as a class 14:56:36
14 representative in this case? 14:56:39
15 MS. BAKER: Same objection, 14:56:43
16 calls for a legal conclusion. 14:56:44
17 He can testify to his 14:56:45
18 understanding. 14:56:46
19 BY MS. MARYOTT: 14:56:46
20 Q. You can answer. Mr. Mabanta? 14:56:57
21 A. Yes. 14:57:13
22 Q. Did you hear the question? 14:57:13
23 A. Can you repeat the question 14:57:14
24 again, please? 14:57:15
25 Q. Do you understand that you are 14:57:16

1 being put forward as a class 14:57:19
2 representative in this case? 14:57:21
3 MS. BAKER: Same objections. 14:57:22
4 A. I am a class representative in 14:57:25
5 this case. 14:57:30
6 BY MS. MARYOTT: 14:57:30
7 Q. And not based on anything 14:57:32
8 lawyers have told you because I'm not 14:57:35
9 allowed to know what you've discussed with 14:57:37
10 your lawyers, but what do you understand 14:57:38
11 that to mean? 14:57:40
12 MS. BAKER: I'd object to the 14:57:42
13 extent that it calls for any 14:57:43
14 attorney-client privilege, and at the 14:57:45
15 same time, it calls for a legal 14:57:46
16 conclusion. He's not a lawyer. 14:57:48
17 A. I do not understand. 14:57:51
18 BY MS. MARYOTT: 14:57:51
19 Q. You don't -- what don't you 14:57:54
20 understand? 14:57:57
21 A. The question. 14:57:57
22 Q. Okay. So my question was: What 14:57:59
23 do you understand it to mean that you're 14:58:05
24 being put forward as a class 14:58:09
25 representative? 14:58:11

1 MS. BAKER: Same objection. He 14:58:14
2 testified that he doesn't understand 14:58:15
3 your question. He's not a lawyer, and 14:58:16
4 it calls for a legal conclusion. 14:58:18
5 BY MS. MARYOTT: 14:58:18
6 Q. You can answer, Mr. Mabanta. 14:58:21
7 A. I do not understand how I should 14:58:28
8 answer that. 14:58:31
9 Q. So you don't understand what it 14:58:32
10 means to be put forward as a class 14:58:33
11 representative; is that what you're 14:58:36
12 saying? 14:58:37
13 MS. BAKER: Object that it calls 14:58:37
14 for a legal conclusion. He's not a 14:58:38
15 lawyer. 14:58:40
16 MS. MARYOTT: I understand, 14:58:42
17 Counsel. You don't have to remind me. 14:58:43
18 MS. BAKER: Well, you're asking 14:58:45
19 him for a legal conclusion. 14:58:47
20 MS. MARYOTT: I'm not -- 14:58:48
21 MS. BAKER: If he doesn't -- if 14:58:49
22 he doesn't understand your question or 14:58:50
23 can't answer it -- 14:58:52
24 BY MS. MARYOTT: 14:58:54
25 Q. So you don't understand my 14:58:55

1 question, Mr. Mabanta? 14:58:56

2 A. I don't understand your 14:58:58

3 question. 14:58:59

4 Q. Okay. What do you think your 14:59:00

5 responsibilities are as a class 14:59:01

6 representative? 14:59:03

7 MS. BAKER: Same objections. 14:59:03

8 (Reporter clarification.) 14:59:03

9 THE WITNESS: I'm sorry. 14:59:03

10 A. To tell the truth, what I know. 14:59:10

11 BY MS. MARYOTT: 14:59:10

12 Q. Anything else? 14:59:15

13 A. What happened in the case -- 14:59:17

14 what's happened in the cases -- the case. 14:59:21

15 Q. Anything else? 14:59:25

16 A. That's it. 14:59:26

17 Q. What did you typically do during 14:59:27

18 your rest breaks? 14:59:42

19 MS. BAKER: Counsel, I 14:59:44

20 understand that there's a question 14:59:45

21 pending. It's 3:00. I'd ask for a 14:59:47

22 quick five-minute bathroom break. 14:59:50

23 MS. MARYOTT: Let me get an 14:59:53

24 answer to this one. 14:59:55

25 MS. BAKER: You can ask your 14:59:56

1 question and answer. 14:59:57

2 A. What was your question again? 14:59:59

3 BY MS. MARYOTT: 15:00:03

4 Q. The question was: What did you 15:00:03

5 typically do during your rest breaks? 15:00:04

6 A. I went to have my lunch; went to 15:00:07

7 the restroom. That's it. 15:00:11

8 MS. MARYOTT: Okay. Why don't 15:00:14

9 we go ahead and take a break. 15:00:15

10 THE VIDEOGRAPHER: Off the 15:00:19

11 record. The time is 3:00 p.m. 15:00:19

12 (Whereupon, a brief recess is 15:06:48

13 taken.) 15:07:21

14 THE VIDEOGRAPHER: Back on the 15:07:21

15 record. The time is 3:07 p.m. 15:07:33

16 BY MS. MARYOTT: 15:07:36

17 Q. So before the -- before our 15:07:38

18 break just now, you mentioned that 15:07:43

19 typically you would have lunch and use the 15:07:45

20 restroom during your rest breaks. 15:07:47

21 Where would you have lunch? 15:07:49

22 A. Oh, I thought you were talking 15:07:53

23 about now. 15:07:56

24 Q. Excuse me? 15:08:01

25 A. I thought you were talking about 15:08:02

1 right now. 15:08:03

2 Q. What do you mean you thought I 15:08:07

3 was talking about right now? What do you 15:08:08

4 mean, Mr. Mabanta? 15:08:20

5 A. I thought you were talking about 15:08:20

6 right now when I was doing -- whatever I 15:08:21

7 was doing on my break. 15:08:25

8 Q. So when I asked you what would 15:08:26

9 you typically do during your rest breaks, 15:08:28

10 you thought I was asking you about the 15:08:31

11 breaks during this deposition? 15:08:32

12 A. Yes. 15:08:35

13 Q. What did you do during the break 15:08:37

14 just now actually? 15:08:39

15 A. I had a drink. 15:08:41

16 Q. Okay. Did you talk with anyone? 15:08:42

17 A. No. 15:08:44

18 Q. So what did you typically do 15:08:45

19 during your rest breaks at work? 15:08:49

20 A. I just worked through. 15:08:53

21 Q. So are you saying you never took 15:08:54

22 breaks? 15:08:59

23 A. I never took breaks. 15:09:00

24 Q. Not once? 15:09:02

25 A. Not once. 15:09:03

1 Q. You had your personal phone on 15:09:04
2 you when you were at work? 15:09:14
3 A. Yes. 15:09:16
4 Q. Did you send e-mails -- 15:09:17
5 A. No. 15:09:19
6 Q. Let me finish. Did you send 15:09:20
7 e-mails while you were on the clock? 15:09:23
8 A. No. 15:09:25
9 Q. Never? 15:09:26
10 A. Never. 15:09:27
11 Q. Not once? 15:09:28
12 A. I believe I sent one or twice 15:09:31
13 to -- to David Curtis. 15:09:34
14 Q. And you never sent an e-mail to 15:09:39
15 anybody else while you were on the clock? 15:09:41
16 A. While I'm on the clock, no. I'm 15:09:45
17 very professional. 15:09:51
18 Q. Take a look at what we'll mark 15:09:53
19 as Exhibit 15. 15:10:02
20 MS. MARYOTT: It's tab 50, 15:10:09
21 Hazel. 15:10:11
22 MS. CHUANG: Okay. It should be 15:10:14
23 up. 15:10:35
24 (Exhibit 15, E-mail bearing 15:10:36
25 Bates number MAC-PRIME_00000185, 15:10:36

1 marked for identification.) 15:10:37

2 BY MS. MARYOTT: 15:10:37

3 Q. Okay. Let me know when you have 15:10:37

4 Exhibit 15 pulled up, Mr. Mabanta. 15:10:51

5 A. I have it up. 15:10:53

6 Q. Okay. Do you recognize 15:11:13

7 Exhibit 15 as an e-mail you sent to David 15:11:19

8 Curtis on October 2, 2018 at 4:39 p.m.? 15:11:24

9 A. I don't remember the time, but 15:11:35

10 it says here 4:39 p.m. 15:11:36

11 Q. Okay. You sent this e-mail, 15:11:39

12 right? 15:11:42

13 A. I'm reading through it. Yes. 15:11:49

14 Q. Okay. And in this e-mail, you 15:12:10

15 reference that you had a little episode on 15:12:13

16 October 2nd. You had a [REDACTED] 15:12:17

17 [REDACTED], and you took your break, 15:12:22

18 right? 15:12:26

19 A. I took a break, yes. 15:12:27

20 Q. And then you dozed off a bit? 15:12:28

21 A. Yes. 15:12:34

22 Q. Where did you take the break? 15:12:34

23 A. Over at the -- the chairs over 15:12:44

24 at -- 15:12:45

25 (Reporter clarification.) 15:12:45

1 MS. CHUANG: Okay. It's up. 15:14:27

2 MS. MARYOTT: Okay. 15:14:47

3 (Exhibit 16, E-mail bearing 15:27:22

4 Bates number MAB-PRIME_00000272, 15:27:22

5 marked for identification.) 15:14:48

6 BY MS. MARYOTT: 15:14:48

7 Q. Mr. Mabanta, let me know when 15:14:49

8 you have Exhibit 16 up. Are you reading 15:14:51

9 it now, Mr. Mabanta? 15:15:31

10 A. Yes. 15:15:32

11 Q. Okay. 15:15:32

12 A. Yes. 15:16:03

13 Q. Okay. Do you recognize 15:16:04

14 Exhibit 16 as an e-mail that you sent to 15:16:06

15 David Curtis, Julia Vessels, Nicole 15:16:10

16 Guzman, Justin Walker, Greg Turner, 15:16:13

17 Jeff Bezos and Crystal Smith on 15:16:19

18 November 8, 2018? 15:16:22

19 A. Yes. 15:16:23

20 Q. And take a look at the third 15:16:24

21 paragraph. It starts with "I hope I am 15:16:27

22 not bothering anyone." 15:16:31

23 Are you there? 15:16:41

24 A. Yes. 15:16:41

25 Q. Okay. It says "I hope I am not 15:16:41

1 bothering anyone about me always trying to 15:16:47
2 question things. But I have a little 15:16:49
3 concern or maybe it is paranoia. But when 15:16:52
4 I work now people talk about me. I hear 15:16:55
5 things and was asked to me personalty 15:16:58
6 [sic]. They question my work. How I bag, 15:17:04
7 why am I eating in the back or taking a 15:17:07
8 snack while I am working and asking me if 15:17:10
9 I can help them get another job." 15:17:13
10 Do you see that? 15:17:15
11 A. Yes. 15:17:16
12 Q. And you wrote that? 15:17:16
13 A. I believe I did. 15:17:20
14 Q. Okay. You mentioned that you're 15:17:21
15 "getting all the evidence and documenting 15:17:23
16 everything." 15:17:26
17 What did you mean by that? 15:17:28
18 A. Because people were talking 15:17:31
19 behind my back. 15:17:32
20 Q. Okay. 15:17:37
21 (Reporter clarification.) 15:17:38
22 A. They wanted to get rid of me, 15:17:38
23 which was my feeling. 15:17:44
24 BY MS. MARYOTT: 15:17:50
25 Q. Who do you think wanted to get 15:17:50

1 rid of you? 15:17:54

2 A. Because I complained about a 15:17:55

3 certain person there. 15:17:56

4 Q. Who do you think wanted to get 15:17:56

5 rid of you? 15:18:00

6 A. I don't remember the name 15:18:00

7 anymore, but I had a letter that -- 15:18:01

8 David Curtis had a copy of that too. 15:18:04

9 Q. So when you referred to "getting 15:18:07

10 all the evidence and documenting 15:18:11

11 everything," what -- what was all the 15:18:13

12 evidence that you were getting? 15:18:19

13 A. That they were -- they were 15:18:20

14 talking behind my back. They were 15:18:23

15 questioning everything I did. 15:18:29

16 Q. Who's "they"? 15:18:30

17 A. My coworkers. 15:18:34

18 Q. Did you have trouble getting 15:18:35

19 along with your coworkers, Mr. Mabanta? 15:18:39

20 A. No. Just one. 15:18:41

21 Q. And you don't remember this 15:18:47

22 person's name? 15:18:48

23 A. I can look through the files. I 15:18:56

24 can't remember his name because I wrote a 15:19:01

25 letter specifically about him. 15:19:03

1 Q. Did you make notes while you 15:19:05
2 were at work about what other people were 15:19:08
3 doing or saying? 15:19:11

4 A. No, I do that after work when I 15:19:14
5 go home. 15:19:16

6 Q. So how much time did you spend 15:19:17
7 on average when you got home making notes 15:19:19
8 about things that people said or did? 15:19:21

9 A. About 15 minutes to an hour. 15:19:26

10 Q. And why did you do that? 15:19:28

11 A. Because what's wrong is wrong. 15:19:31
12 That's why I e-mailed Jeff Bezos. There's 15:19:42
13 something wrong with the system. We 15:19:45
14 worked there with no managers. We worked 15:19:49
15 there with nobody. Everybody's telling us 15:19:51
16 what to do. I had my coworkers telling us 15:19:53
17 what to do, but when I go to David Curtis, 15:19:56
18 he said, Don't listen to anybody, only 15:20:01
19 listen to him. 15:20:05

20 Q. Is there any other reason you 15:20:06
21 went home after your shifts and made notes 15:20:08
22 about things your coworkers were saying or 15:20:10
23 doing? 15:20:13

24 (Reporter clarification.) 15:20:13

25 A. I always write it in e-mail 15:20:24

1 because I want to be straight with 15:20:25
2 everything. I don't make up things. 15:20:27
3 BY MS. MARYOTT: 15:20:30
4 Q. In the e-mails that you're 15:20:30
5 talking about, did you write e-mails to 15:20:37
6 yourself? 15:20:39
7 A. No. 15:20:41
8 Q. So every night you -- or after 15:20:41
9 every shift, you'd go home, and you'd 15:20:45
10 write e-mails to Mr. Curtis about what had 15:20:48
11 happened that day? 15:20:52
12 A. Yes. You can check on the time 15:20:52
13 schedules, when I work, when I sent 15:20:59
14 e-mails. 15:21:02
15 Q. And sometimes you sent the 15:21:02
16 e-mails while you were at work, right? 15:21:04
17 A. I did it a couple of times. 15:21:08
18 Q. How many rest breaks do you 15:21:12
19 estimate that you missed while you were 15:21:14
20 working at Prime Now? 15:21:16
21 A. All of it. Every time I work. 15:21:17
22 Q. Did you keep any records 15:21:20
23 reflecting the -- the dates on which 15:21:22
24 you're claiming you missed your rest 15:21:25
25 breaks? 15:21:26

1	about that much.	15:22:39
2	Q. Were there weeks where you	15:22:39
3	didn't work at all?	15:22:41
4	A. No, not that I know of.	15:22:43
5	Q. So you think you worked every	15:22:46
6	week while you were employed by Prime Now?	15:22:48
7	A. I assume. That's -- that's what	15:22:50
8	I remember.	15:22:53
9	Q. Were you --	15:22:54
10	(Reporter clarification.)	15:22:54
11	A. I cannot remember.	15:22:58
12	BY MS. MARYOTT:	15:22:59
13	Q. Well, you said you have	15:22:59
14	calendars of your shifts. Do you still	15:23:04
15	have those calendars?	15:23:06
16	A. Yes.	15:23:08
17	Q. Were you hospitalized at some	15:23:09
18	point in 2018?	15:23:13
19	A. Yes.	15:23:15
20	Q. For what?	15:23:15
21	A. I had a stroke.	15:23:17
22	Q. When did you have the stroke?	15:23:19
23	A. In October.	15:23:22
24	Q. And how long were you	15:23:25
25	hospitalized?	15:23:26

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1	A.	For a week.	15:23:27
2	Q.	Did you understand that you	15:23:29
3		could abandon order -- abandon an order	15:23:43
4		and it would be assigned to another	15:23:46
5		shopper so you could take a break?	15:23:48
6	A.	No. This is all coming out now.	15:23:51
7	Q.	What do you mean "This is all	15:23:59
8		coming out now"?	15:24:01
9	A.	This -- learning about all these	15:24:05
10		rules -- all these rules now.	15:24:07
11	Q.	So did you make any effort to	15:24:09
12		learn the rules while you were employed?	15:24:11
13	A.	I just went there to work, work	15:24:14
14		and work, that's it. They tell me what to	15:24:18
15		do, I do.	15:24:22
16	Q.	You understood that you could	15:24:23
17		select -- become unavailable in the seller	15:24:30
18		app, right?	15:24:34
19	MS. BAKER:	The video is frozen	15:24:43
20		for me. I don't know if anyone else	15:24:44
21		is having this problem, but I can't	15:24:46
22		hear anyone anymore.	15:24:49
23	MS. MARYOTT:	It did stop for a	15:24:49
24		second there.	15:24:51
25	BY MS. MARYOTT:		15:24:53

1 Q. So my question was: Did you 15:24:54
2 make any effort to -- oh, I'm sorry. 15:24:55
3 Let's see. 15:24:58
4 Oh. Did you understand that 15:25:03
5 there was an option to become unavailable 15:25:04
6 in the seller app? 15:25:09
7 A. No. 15:25:12
8 Q. So when you went to eat in the 15:25:13
9 back room, how did you stop receiving 15:25:17
10 orders? 15:25:20
11 A. I didn't eat in the back room. 15:25:21
12 MS. BAKER: Misstates testimony. 15:25:23
13 BY MS. MARYOTT: 15:25:23
14 Q. So -- 15:25:26
15 A. I didn't eat in the back room. 15:25:27
16 Q. So are you saying, Mr. Mabanta, 15:25:29
17 that people were just making that up? 15:25:31
18 A. I don't know what people are 15:25:37
19 saying. 15:25:38
20 Q. Well, in Exhibit 16, you 15:25:43
21 mentioned that you were feeling paranoid 15:25:45
22 and that people were talking about you 15:25:48
23 and -- about how you bag and why you were 15:25:50
24 eating in the back or taking a snack while 15:25:54
25 you were working. 15:25:59

1 Do you remember we read that a 15:26:01
2 minute ago? 15:26:02
3 A. Yes. 15:26:02
4 Q. And so you're saying you didn't 15:26:03
5 eat in the back or take snacks while you 15:26:05
6 were on your shift? 15:26:08
7 A. No. 15:26:09
8 Q. Why did you say in your letter 15:26:09
9 here that that didn't actually happen? 15:26:11
10 A. Well, I just mention what 15:26:15
11 they're talking about. I don't need to 15:26:17
12 mention what -- 15:26:21
13 Q. Take a look at what will be 15:26:40
14 tab 49. 15:26:42
15 MS. MARYOTT: Hazel, and mark 15:26:46
16 this as Exhibit 17. 15:26:51
17 MS. CHUANG: Tab 49 you said? 15:26:54
18 MS. MARYOTT: Yes. It's the 3P 15:26:59
19 Associate Guide. 15:27:10
20 (Exhibit 17, 3P Associate Guide, 15:27:22
21 marked for identification.) 15:27:37
22 MS. CHUANG: Okay. It's loaded. 15:27:37
23 MS. MARYOTT: Thank you. 15:27:41
24 BY MS. MARYOTT: 15:27:42
25 Q. Mr. Mabanta, if you could please 15:27:42

1 open up Exhibit 17, and let me know when 15:27:44
2 you have that open. 15:28:06
3 A. It is open. 15:28:08
4 Q. Okay. And so are you familiar 15:28:09
5 with the Copperfield operations 15:28:13
6 3P Associate Guide? 15:28:17
7 A. No. 15:28:21
8 Q. So you're saying you never saw 15:28:22
9 this? 15:28:32
10 A. Never saw it. 15:28:32
11 Q. Never got any training? 15:28:33
12 A. I never got any training and 15:28:38
13 never saw it. 15:28:41
14 (Reporter clarification.) 15:28:41
15 BY MS. MARYOTT: 15:28:41
16 Q. What was a six-sided check? 15:28:47
17 A. I don't know. 15:28:56
18 Q. Did you ever follow the 15:28:56
19 six-sided check guidelines? 15:28:58
20 A. No. 15:29:04
21 Q. What about damage checks, did 15:29:05
22 you know how to do damage checks? 15:29:11
23 A. No. 15:29:13
24 Q. What about quality checks, did 15:29:13
25 you do quality checks for the things you 15:29:17

1 Q. Were there occasions when you 15:31:05
2 went online to look for shifts before you 15:31:10
3 started work? 15:31:13
4 A. Always. 15:31:16
5 Q. Did you usually do that from 15:31:16
6 home before driving to work? 15:31:20
7 A. Yes. 15:31:21
8 MS. MARYOTT: Let's go to 15:31:44
9 tab 11, Hazel, and mark this as 15:31:45
10 Exhibit 18. 15:31:49
11 MS. CHUANG: Okay. It's ready. 15:31:51
12 MS. MARYOTT: Thank you. 15:32:34
13 (Exhibit 18, Plaintiffs' 15:32:35
14 Responses to Defendants' Special 15:32:35
15 Interrogatories, marked for 15:32:35
16 identification.) 15:32:36
17 BY MS. MARYOTT: 15:32:36
18 Q. Mr. Mabanta, go ahead and open 15:32:37
19 up Exhibit 18. Do you have it open, 15:32:38
20 Mr. Mabanta? 15:33:03
21 A. Yes. 15:33:03
22 Q. Do you recognize this document? 15:33:04
23 A. Yes. 15:33:08
24 Q. So Exhibit 18 are your responses 15:33:11
25 to Defendant's Prime Now and Amazon.com 15:33:15

1 Special Interrogatories. Do you see that? 15:33:21

2 A. I see it. 15:33:22

3 Q. Okay. If you could scroll down 15:33:23

4 to the next to the last page for me. 15:33:25

5 A. Okay. 15:33:35

6 Q. And do you see the document, it 15:33:37

7 says "verification." Do you see that? 15:33:39

8 A. Second to last page? 15:33:40

9 Q. Second to last page. Go all the 15:34:03

10 way to the end of the document. Tell me 15:34:18

11 when you're at the very end. 15:34:23

12 A. I'm the end. 15:34:25

13 Q. Now, go up one document. Do you 15:34:26

14 see the word "Verification" at the top? 15:34:32

15 A. Yes. 15:34:34

16 Q. Okay. So there's a signature 15:34:35

17 line with the printed name "Mario 15:34:39

18 Mabanta." Is that your signature directly 15:34:41

19 above it? 15:34:45

20 A. Yes. 15:34:46

21 Q. And when you were signing these, 15:34:48

22 you were signing them under the penalty of 15:34:51

23 perjury, right? 15:34:54

24 A. Yes. 15:34:55

25 Q. So how long did you take to 15:34:55

1 review this document before you signed it? 15:34:58

2 A. Well, I showed it to my lawyer 15:35:02

3 first. 15:35:04

4 Q. So my question, Mr. Mabanta, is: 15:35:05

5 How long did you take to review this 15:35:07

6 document before you signed it? 15:35:09

7 A. A couple of days. 15:35:11

8 Q. How much time did you spend 15:35:14

9 actually reading it? 15:35:17

10 A. About an hour. 15:35:20

11 Q. How many times did you read it? 15:35:21

12 A. Twice. 15:35:27

13 Q. And did you read it very 15:35:28

14 carefully? 15:35:35

15 A. I scanned through it. 15:35:36

16 Q. What do you mean you "scanned 15:35:38

17 through it"? 15:35:42

18 A. I read it once, and then I 15:35:44

19 scanned through it a second time. 15:35:46

20 Q. So the first time you read it, 15:35:47

21 did you read it very carefully? 15:35:49

22 MS. BAKER: Objection, 15:35:51

23 argumentative. 15:35:51

24 A. To the best of my knowledge, 15:35:53

25 yes. 15:35:54

1 BY MS. MARYOTT: 15:35:55

2 Q. Was there anything you wanted to 15:35:55

3 change that didn't get changed? 15:36:03

4 A. No. 15:36:06

5 Q. Okay. Let's turn to 15:36:07

6 Interrogatory Number 9, which is on page 5 15:36:12

7 of the document. So if you scroll about 15:36:17

8 five pages, you'll see page 5 is numbered 15:36:25

9 5 at the bottom. And about the middle of 15:36:28

10 the page, it says "Special Interrogatory 15:36:36

11 No. 9." 15:36:39

12 Do you see that? 15:36:40

13 A. I'm going through it. No. 9? 15:36:46

14 Q. Yes. Are you there? 15:36:48

15 A. Yes. 15:36:52

16 Q. Okay. So No. 9 reads "Identify 15:36:52

17 all, 'necessary and substantial expenses 15:36:59

18 and losses' that you incurred like, 15:37:02

19 'Internet and/or data cost and computer 15:37:07

20 and/or cell phone expenses as a direct 15:37:10

21 result of performing your job duties for 15:37:20

22 defendants.'" 15:37:22

23 Do you see that? 15:37:23

24 A. I see the response to Special 15:37:23

25 Interrogatory No. 9. 15:37:26

1 Q. Do you see the question? 15:37:27

2 A. "Identify all necessary and 15:37:37

3 substantial expenses and losses." 15:37:38

4 Q. Okay. And your response was, 15:37:40

5 "Cellular bills, \$1600/Internet \$800/Car 15:37:44

6 \$2400." 15:37:52

7 Is that your response? 15:37:54

8 A. Yes. 15:37:56

9 Q. Okay. Why do you list car 15:37:56

10 expenses here? 15:37:59

11 (Reporter clarification.) 15:37:59

12 A. Why do I have car? 15:38:06

13 BY MS. MARYOTT: 15:38:08

14 Q. Yes. 15:38:08

15 A. Because it's a car that I used 15:38:10

16 to go to work. 15:38:12

17 Q. And how did you come up with 15:38:13

18 \$2,400? 15:38:19

19 A. My monthly payment. 15:38:23

20 Q. So it's your belief that Amazon 15:38:24

21 should pay your monthly car payment while 15:38:30

22 you were employed? 15:38:33

23 MS. BAKER: Objection, misstates 15:38:34

24 testimony. 15:38:36

25 A. Yes. 15:38:41

1 BY MS. MARYOTT: 15:38:41

2 Q. Why do you think Amazon should 15:38:46

3 pay your car payment? 15:38:47

4 MS. BAKER: Objection. It calls 15:38:51

5 for a legal conclusion. 15:38:52

6 BY MS. MARYOTT: 15:38:52

7 Q. Just what you understand, 15:38:57

8 Mr. Mabanta. 15:38:58

9 A. I don't know. 15:39:03

10 Q. You list cellular bills, \$1,600. 15:39:03

11 What is that based on? 15:39:21

12 A. That's per month -- no, per 15:39:24

13 year, for the whole time. 15:39:27

14 Q. You worked for Prime Now for 15:39:28

15 about eight months? 15:39:33

16 A. Yes. 15:39:34

17 Q. And so by my calculation, you're 15:39:34

18 claiming you should have been reimbursed 15:39:38

19 \$200 a month for cell phone use? 15:39:40

20 A. Yes. 15:39:42

21 Q. And Internet bills of \$800, 15:39:42

22 that's about \$100 a month during your 15:39:50

23 employment? 15:39:53

24 A. Yes. 15:39:54

25 Q. Okay. Did you use your cell 15:39:54

1 phone for any of your job duties? 15:39:58

2 A. Job duties, no. 15:40:02

3 Q. Did you use your home computer 15:40:04

4 for any of your job duties? 15:40:09

5 A. No. Writing e-mails. 15:40:11

6 Q. The e-mails you would write to 15:40:15

7 Mr. Curtis after your shift? 15:40:19

8 A. Yes. 15:40:21

9 MS. MARYOTT: Let's take a look 15:40:27

10 at -- it will be tab 54, Hazel. And 15:40:28

11 we'll mark this next exhibit as 19. 15:40:34

12 MS. CHUANG: It's up. 15:40:58

13 MS. MARYOTT: Okay. 15:41:09

14 (Exhibit 19, AT&T Wireless 15:41:09

15 Statement, marked for identification.) 15:41:10

16 BY MS. MARYOTT: 15:41:10

17 Q. Let me know when you have 15:41:12

18 Exhibit 19 up, Mr. Mabanta. 15:41:13

19 A. Yes, I have it up. 15:41:42

20 Q. Okay. So this is a two-page 15:41:43

21 document. It looks like just part of your 15:41:47

22 AT&T phone bill for February 12, 2018 to 15:41:50

23 March 11, 2018; is that right? 15:41:57

24 A. Yes. 15:42:05

25 Q. And this phone account is in 15:42:05

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1 your wife's name; is that right? 15:42:08

2 A. Yes. 15:42:11

3 Q. Okay. The -- the amount of the 15:42:12

4 bill for the month reflected under bill 15:42:18

5 cycle date is \$205.17. Do you see that? 15:42:22

6 A. Yes. 15:42:29

7 Q. That's for four lines, right? 15:42:29

8 A. I'm trying to look at it. 15:42:42

9 Q. If you look on the left-hand 15:42:46

10 side of the first page where it says 15:42:47

11 "service summary" -- do you see that? 15:42:50

12 A. Yes. 15:42:54

13 Q. Okay. Do you see it says 15:42:54

14 "Wireless," and there's four numbers 15:42:57

15 listed below? 15:42:59

16 A. Yes. 15:43:01

17 Q. Okay. So do you understand that 15:43:01

18 this bill for \$200 a month was for four 15:43:03

19 lines? 15:43:08

20 A. Yes. 15:43:08

21 Q. Okay. And one of them, the top 15:43:09

22 one, 415-866-6276, was your phone, right? 15:43:13

23 A. Yes. 15:43:19

24 Q. And it reflects here that the 15:43:19

25 amount being charged on the month in 15:43:29

1 question for your line is \$92.61, right? 15:43:32

2 A. Yes. 15:43:38

3 Q. So why are you claiming that 15:43:38

4 Amazon should reimburse you for \$200 a 15:43:44

5 month for cell phone usage? 15:43:48

6 A. That's what I saw on the bill. 15:43:51

7 I didn't check it per -- per line. 15:43:52

8 Q. So when you signed the 15:44:00

9 interrogatory saying that you were seeking 15:44:04

10 cellular bills of \$1,600, you didn't go 15:44:09

11 back and look to see how much your own 15:44:12

12 phone actually cost? 15:44:14

13 A. No, I did not. 15:44:15

14 Q. And is it your position that 15:44:16

15 Amazon should pay your full phone bill for 15:44:22

16 every month including you and your family 15:44:24

17 members? 15:44:27

18 A. No. 15:44:27

19 Q. And what percentage of the time 15:44:28

20 that you spent on your phone are you 15:44:32

21 claiming is -- that should be reimbursed 15:44:36

22 in this case? 15:44:40

23 A. The whole \$92.61. 15:44:42

24 Q. So you didn't use your phone for 15:44:44

25 anything other than things relating to 15:44:47

1 your work at Amazon? 15:44:50

2 A. Yes. There were four other 15:44:52

3 lines, right -- three other lines. I used 15:44:56

4 the other lines for personal stuff. 15:45:00

5 Q. So you had two phones during 15:45:01

6 your employment with Amazon? 15:45:03

7 A. No. I was using my wife's 15:45:06

8 phone. 15:45:08

9 Q. Using your wife's phone for 15:45:10

10 what? 15:45:11

11 A. Call up friends. I was not 15:45:14

12 using the 415 number. 15:45:17

13 Q. So it's your testimony that you 15:45:20

14 used the 415 number for nothing other than 15:45:22

15 matters relating to your employment? 15:45:31

16 A. Yes. 15:45:34

17 Q. Who did you talk to for 2,205 15:45:35

18 minutes between February 12 and 15:45:54

19 March 11th? 15:45:58

20 A. I don't talk too much. That's 15:46:00

21 almost a year. No, that's a month. 15:46:02

22 Q. Do you have an answer to my 15:46:26

23 question, Mr. Mabanta? 15:46:27

24 A. No, I don't know. 15:46:28

25 Q. You don't know? 15:46:31

1	A.	I do not know.	15:46:32
2	Q.	Okay. And it looks like the	15:46:33
3		month of February 12 to March 11, you sent	15:46:36
4		755 messages on your cell phone; is that	15:46:38
5		right?	15:46:41
6	A.	Could be right.	15:46:43
7	Q.	Do you have any reason to think	15:46:44
8		that's not accurate?	15:46:46
9	A.	That's accurate.	15:46:48
10	Q.	So when you started working at	15:46:49
11		Amazon, you just completely stopped using	15:46:52
12		this phone for any other purpose?	15:46:54
13	A.	Yes.	15:46:57
14	Q.	And do you have all of your	15:46:58
15		phone records from the time you were	15:47:03
16		employed at Amazon?	15:47:04
17	A.	I can only get a certain amount	15:47:06
18		of bills.	15:47:10
19	Q.	So what did you do when people	15:47:11
20		you had spoken with or texted before	15:47:20
21		March 18 of 2018 called you on your cell	15:47:24
22		phone? Did you tell them that they	15:47:28
23		shouldn't call you on this phone anymore	15:47:31
24		and to call you on a different phone?	15:47:33
25	A.	Yes.	15:47:35

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1 Q. And what phone did you tell them 15:47:35
2 to call you on? 15:47:37
3 A. 887-3744. 15:47:38
4 Q. And that's whose phone? 15:47:43
5 A. That's my wife's phone. 15:47:45
6 Q. And did you carry your wife's 15:47:47
7 phone with you? 15:47:50
8 A. No. 15:47:50
9 Q. So you and your wife shared a 15:47:51
10 phone? 15:47:56
11 A. Yes. 15:47:57
12 Q. Whose phone is 714-721-4505? 15:47:58
13 A. I don't know. 15:48:05
14 Q. Whose phone is 949-887-3213? 15:48:07
15 A. It's my daughter's phone. 15:48:13
16 Q. Why did you stop using your 15:48:14
17 phone when you were employed with Amazon? 15:48:20
18 A. I wanted to be more 15:48:27
19 professional. 15:48:28
20 Q. What do you mean? 15:48:28
21 A. I just want to answer the phone 15:48:34
22 so -- and I know it's Amazon. 15:48:41
23 Q. Who called you on that phone 15:48:44
24 when you were employed at Amazon? 15:48:48
25 A. David Curtis. 15:48:52

1	Q.	Anyone else?	15:48:52
2	A.	My coworkers.	15:48:56
3	Q.	Who contacted -- what coworkers	15:48:57
4		contacted you?	15:49:01
5	A.	My coworkers at Amazon.	15:49:02
6	Q.	Yes. Which ones?	15:49:04
7	A.	I don't remember anymore.	15:49:08
8	Q.	Okay. So if you went from	15:49:11
9		sending 755 messages and using 2,205	15:49:23
10		minutes on your phone just prior to your	15:49:32
11		employment at Amazon and then you started	15:49:35
12		using your phone just with respect to your	15:49:37
13		employment at Amazon, would it be fair to	15:49:39
14		say that the number of messages and	15:49:41
15		minutes dropped considerably?	15:49:43
16	A.	Could be.	15:49:53
17	Q.	Could be?	15:49:53
18	A.	Could be.	15:49:54
19	Q.	And that would drive the price	15:49:54
20		of your monthly phone bill down, right?	15:49:55
21	A.	Yes, it should.	15:49:58
22	Q.	And did you take any of that	15:50:11
23		into consideration when you signed this	15:50:12
24		interrogatory claiming that you're	15:50:17
25		entitled to reimbursement of \$1,600 for	15:50:21

1 your cell phone bill? 15:50:23

2 A. No. 15:50:25

3 MS. MARYOTT: Let's look at 15:50:37

4 tab 55, and we'll mark this as 15:50:38

5 Exhibit 20. 15:50:41

6 BY MS. MARYOTT: 15:51:03

7 Q. And while she's loading that, 15:51:01

8 how did you come up with the number of 15:51:03

9 \$800 a month for Internet? 15:51:05

10 A. That's my bill, \$100 a month. 15:51:08

11 Q. And that was your bill before 15:51:13

12 you started working at Amazon? 15:51:18

13 A. Yes. 15:51:20

14 Q. And after you started working at 15:51:20

15 Amazon? 15:51:23

16 Was your bill \$100 after you 15:51:39

17 started working at Amazon? 15:51:41

18 A. Yes. 15:51:52

19 Q. Okay. Let's open up tab 20 -- 15:51:52

20 I'm sorry, Exhibit 20. 15:51:55

21 (Exhibit 20, Spectrum Statement 15:51:56

22 dated January 5, 2020, marked for 15:51:56

23 identification.) 15:52:02

24 BY MS. MARYOTT: 15:52:02

25 Q. And this is a document that you 15:52:02

1	produced, Mr. Mabanta, but it's from	15:52:04
2	January 5, 2020. Do you see that?	15:52:11
3	A. Yes.	15:52:13
4	Q. You weren't working at Amazon	15:52:16
5	then; were you?	15:52:18
6	A. No.	15:52:19
7	Q. Do you have any of your home	15:52:19
8	Internet bills from the time you were	15:52:24
9	working at Amazon?	15:52:26
10	A. No.	15:52:27
11	Q. So you don't really know what it	15:52:27
12	cost back in 2018; is that right?	15:52:31
13	A. Guesstimate, guesstimate,	15:52:36
14	exactly the same.	15:52:40
15	Q. It was exactly the same?	15:52:41
16	A. Yes.	15:52:43
17	Q. Okay. So why don't we take a	15:52:43
18	look at Exhibit 20 under "Summary." Do	15:52:45
19	you see where it says "Summary"?	15:52:50
20	A. Yes.	15:52:51
21	Q. Okay. So this is a monthly bill	15:52:52
22	from January 2020. And can you tell me	15:52:54
23	what the amount is for Internet services	15:52:58
24	that you see on this bill?	15:53:00
25	A. 65.99.	15:53:03

1 Q. And that's what your bill was 15:53:04
2 when you were employed at Amazon as well? 15:53:07
3 A. Yes. 15:53:11
4 Q. How did you come up with \$100 15:53:11
5 per month? 15:53:17
6 A. I put in the other charges and 15:53:17
7 the taxes. 15:53:19
8 Q. What other charges, the phone 15:53:20
9 charges? 15:53:23
10 A. Yes. 15:53:24
11 Q. And when you were working at 15:53:24
12 Amazon, did you use your Internet for 15:53:42
13 anything other than things related to 15:53:45
14 Amazon? 15:53:48
15 A. Not that I know of. 15:53:50
16 Q. So once you started working at 15:53:51
17 Amazon, the only reason you used your home 15:53:55
18 Internet was related to Amazon? 15:53:57
19 A. Yes. 15:54:00
20 Q. What did you use it for before 15:54:00
21 you went to work at Amazon? 15:54:06
22 A. Before I went to work for 15:54:12
23 Amazon, I wasn't using it. 15:54:14
24 Q. Was anyone in your house using 15:54:20
25 Internet? 15:54:24

1	A.	My wife was.	15:54:26
2	Q.	Okay. And what did your wife	15:54:27
3		use the Internet for?	15:54:31
4	A.	For --	15:54:33
5	MS. BAKER:	Objection, calls for	15:54:33
6		speculation.	15:54:35
7	BY MS. MARYOTT:		15:54:40
8	Q.	You can answer.	15:54:40
9	A.	For shopping, shopping at	15:54:41
10		Amazon.com.	15:54:48
11	Q.	And so you didn't use a computer	15:54:49
12		at home for any purpose prior to becoming	15:54:52
13		employed at Amazon?	15:54:58
14	A.	No. I'm not a computer geek. I	15:54:59
15		don't know too much about computers.	15:55:06
16	Q.	Mr. Mabanta, why were you fired	15:55:09
17		from Amazon?	15:55:26
18	A.	Because I wrote an e-mail to --	15:55:27
19		to David Curtis and to the other manager.	15:55:35
20	Q.	Why did you send them that	15:55:40
21		e-mail?	15:55:43
22		(Reporter clarification.)	15:55:44
23	A.	Because we were close. You	15:55:44
24		know, we were sending private jokes.	15:55:50
25	BY MS. MARYOTT:		15:55:55

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1 Q. Who -- did they ever send you 15:55:55
2 private jokes? 15:55:57

3 A. When we see each other, we joke 15:55:59
4 around a lot. 15:56:01

5 Q. Uh-huh. 15:56:02

6 A. David Curtis even asked me for 15:56:12
7 hockey tickets. 15:56:15

8 Q. What does that have to do with 15:56:15
9 joking around? 15:56:17

10 A. Well, when you get close to a 15:56:17
11 person, right, you ask for things. And he 15:56:20
12 knows my son works for -- 15:56:26

13 (Reporter clarification.) 15:56:26

14 MS. MARYOTT: The Anaheim Ducks. 15:56:42

15 THE COURT REPORTER: Thank you. 15:56:42

16 A. My son used to work for that 15:56:44
17 company. 15:56:46

18 BY MS. MARYOTT: 15:56:47

19 Q. What did your son do for the 15:56:47
20 Anaheim Ducks? 15:56:49

21 A. He was human resource. 15:56:51

22 Q. Mr. Mabanta, when you ran your 15:56:56
23 companies, did you train your staff on the 15:57:06
24 prohibition of sexual harassment? 15:57:13

25 A. No, not that time. 15:57:19

1 Q. So let's take a look at tab 59, 15:57:21
2 which we'll mark as Exhibit 21. 15:57:32
3 (Exhibit 21, E-mail bearing 15:57:38
4 Bates number MAB-PRIME_00000143, 15:57:38
5 marked for identification.) 15:57:40
6 BY MS. MARYOTT: 15:57:40
7 Q. And actually while she's doing 15:57:45
8 that, let me ask you: So once you started 15:57:46
9 working at Amazon, how much time did you 15:57:49
10 spend on the computer versus your wife 15:57:52
11 spending time on the computer? 15:57:54
12 Did you hear my question, 15:58:08
13 Mr. Mabanta? 15:58:10
14 A. Yes. 15:58:14
15 Q. Don't look at the exhibit yet. 15:58:16
16 A. Okay. 15:58:18
17 Q. Okay. 15:58:19
18 A. How much time? 15:58:21
19 Q. Right. How much time did your 15:58:23
20 wife spend on the computer versus how much 15:58:24
21 you spent on the computer? 15:58:27
22 A. Maybe 10 minutes a day. 15:58:28
23 Q. Your wife spent 10 minutes a 15:58:30
24 day? 15:58:32
25 A. Yes. 15:58:32

1 Q. And what about your daughter? 15:58:32

2 A. My daughter doesn't -- 15:58:37

3 MS. BAKER: Objection, calls for 15:58:38

4 speculation. 15:58:42

5 BY MS. MARYOTT: 15:58:42

6 Q. So she was on the phone bill. 15:58:42

7 So you have your daughter on your phone 15:58:42

8 bill, but she doesn't live with you? 15:58:44

9 A. No. 15:58:46

10 Q. And prior to the time you began 15:58:47

11 working at Amazon, how much time did your 15:58:55

12 wife spend on the Internet? 15:58:58

13 A. Ten minutes a day. 15:58:59

14 Q. And during your employment, did 15:59:14

15 you spend more time on the phone or more 15:59:16

16 time on the computer? 15:59:17

17 A. Computer. 15:59:20

18 Q. All right. I think you said 15:59:24

19 earlier it was about 60/40, 60 percent on 15:59:26

20 the computer, 40 percent on the phone? 15:59:31

21 A. I believe so. 15:59:33

22 Q. Okay. Let's take a look at 15:59:34

23 Exhibit 21. Mr. Mabanta, is this the 15:59:36

24 e-mail that you sent to David Curtis and 15:59:54

25 Justin Walker on November 30, 2018? 15:59:56

1	A.	Yes.	15:59:59
2	Q.	Had you ever sent them on e-mail	15:59:59
3		like this before?	16:00:02
4	A.	Not -- not with jokes.	16:00:03
5	Q.	Had they ever sent you any	16:00:06
6		e-mails like this before?	16:00:08
7	A.	No.	16:00:10
8	Q.	How many e-mails had you	16:00:10
9		previously sent to them with jokes?	16:00:14
10	A.	Maybe four or five.	16:00:25
11	Q.	Did you send this e-mail to	16:00:26
12		other coworkers?	16:00:27
13	A.	Yes.	16:00:29
14	Q.	How many?	16:00:29
15	A.	About three.	16:00:32
16	Q.	Who were they?	16:00:32
17	A.	I don't remember now.	16:00:34
18	Q.	Were they people you felt that	16:00:38
19		you were close with?	16:00:44
20	A.	Yes.	16:00:45
21	Q.	Was one of them Fareba?	16:00:45
22	A.	Yes.	16:01:02
23	Q.	Is that a man or a woman?	16:01:02
24	A.	It's a woman.	16:01:06
25	Q.	So you sent Fareba Exhibit 21?	16:01:07

1	A.	Yes.	16:01:12
2	Q.	Did you send it to John Payne?	16:01:12
3	A.	John who?	16:01:18
4	Q.	John Payne?	16:01:18
5	A.	Yes.	16:01:21
6	Q.	Did you send it to John Jay?	16:01:23
7	A.	Yes.	16:01:25
8	Q.	Did you send it to your coworker	16:01:25
9	Aaron?		16:01:31
10	A.	Aaron -- Aaron, yes.	16:01:32
11	Q.	Did you send it to your coworker	16:01:33
12	Alex?		16:01:35
13	A.	I don't know who Alex is.	16:01:36
14	Q.	What about Angel?	16:01:38
15	A.	Yes.	16:01:41
16	Q.	Is Angel a man or a woman?	16:01:41
17	A.	Man.	16:01:44
18	Q.	Did you send Exhibit 21 to	16:01:44
19	Asonta?		16:01:49
20	A.	Not that I know of.	16:01:51
21	Q.	Did you send it to your coworker	16:01:55
22	Daniel?		16:01:56
23	A.	Who's Daniel? I don't know any	16:01:59
24	Daniel.		16:02:01
25	Q.	You don't know any Daniels?	16:02:01

1	A.	Not that I know.	16:02:03
2	Q.	Did you send Exhibit 21 to	16:02:06
3	Hayden?		16:02:09
4	A.	I don't remember.	16:02:12
5	Q.	What about Linda?	16:02:14
6	A.	Yes.	16:02:17
7	Q.	Did you send Exhibit 21 to Mark?	16:02:18
8	A.	Yes.	16:02:23
9	Q.	Did you send it to Crystal	16:02:24
10	Smith?		16:02:27
11	A.	Not that I know of.	16:02:28
12	Q.	Did you send it to Julia	16:02:30
13	Vessels?		16:02:36
14	A.	Not that I know of.	16:02:36
15	Q.	What about Yolanda Sanchez?	16:02:37
16	A.	I think I did.	16:02:39
17	Q.	And after you sent this e-mail,	16:02:41
18	you sent an apology; is that right?		16:02:47
19	A.	Yes, to David Curtis.	16:02:51
20	Q.	Did you send the apology after	16:02:53
21	someone told you it was inappropriate to		16:02:57
22	send this e-mail?		16:02:59
23	A.	No.	16:03:00
24	Q.	Why did you send the apology?	16:03:01
25	A.	Because it was improper.	16:03:05

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1 Q. Did you think it was improper 16:03:06
2 before you sent it? 16:03:08
3 A. After I sent it. 16:03:10
4 Q. So is there a reason why that 16:03:14
5 day you sent it at 6:30 in the morning and 16:03:19
6 you sent the apology at 4:11 in the 16:03:21
7 afternoon? 16:03:23
8 A. No. 16:03:26
9 Q. At what point did you realize it 16:03:27
10 was inappropriate? 16:03:30
11 A. After I sent it. 16:03:33
12 Q. Right after you sent it? 16:03:37
13 A. Yes. 16:03:39
14 MS. MARYOTT: I think we've been 16:03:46
15 going about an hour. Why don't we go 16:03:47
16 ahead and take a quick break. Ten 16:03:49
17 minutes okay with everyone? 16:03:52
18 THE VIDEOGRAPHER: Going off the 16:03:57
19 record. The time is 4:04 p.m. 16:03:58
20 (Whereupon, a brief recess is 16:04:02
21 taken.) 16:14:27
22 THE VIDEOGRAPHER: Back on the 16:14:27
23 record. The time is 4:14 p.m. 16:14:53
24 BY MS. MARYOTT: 16:14:56
25 Q. So, Mr. Mabanta, from what 16:14:57

1 device did you send Exhibit 21? 16:14:59

2 A. From my desktop. 16:15:12

3 Q. Okay. And was this a joke that 16:15:14

4 you had received from someone else? 16:15:18

5 A. Yes. 16:15:21

6 Q. Okay. So you received this from 16:15:21

7 a friend? 16:15:24

8 A. Yes, from my brother. 16:15:25

9 Q. From your brother, okay. 16:15:28

10 And then you sent this to about 16:15:30

11 300 people in your contacts? 16:15:34

12 A. 300, yes. 16:15:38

13 Q. Okay. Did your brother send you 16:15:43

14 a lot of jokes -- 16:15:47

15 A. Yes. 16:15:49

16 Q. -- to this e-mail? 16:15:50

17 A. Yes. 16:15:52

18 Q. And did you exchange jokes with 16:15:52

19 the 300 or so contacts in your -- on your 16:15:55

20 desktop? 16:16:00

21 A. Yes. 16:16:01

22 Q. And how often did you e-mail 16:16:01

23 jokes around with these contacts of yours? 16:16:08

24 A. Every time I receive one. 16:16:14

25 Q. How often was that? 16:16:15

1	A.	Once a month.	16:16:17
2	Q.	And did you also keep in touch	16:16:18
3		with your contacts via e-mail --	16:16:21
4	A.	Yes.	16:16:29
5	Q.	-- generally? So e-mailing	16:16:29
6		friends and family?	16:16:32
7	A.	Only friends, no family.	16:16:35
8	Q.	Okay. And did you do that on	16:16:38
9		the laptop as well as the desktop?	16:16:40
10	A.	Yes.	16:16:43
11	Q.	And when you forwarded	16:16:43
12		Exhibit 21 to about 300 people, did you	16:17:11
13		send a bunch of separate e-mails?	16:17:17
14	A.	No.	16:17:23
15	Q.	So you sent it to everyone at	16:17:23
16		once?	16:17:26
17	A.	Yes.	16:17:27
18	Q.	Okay. With the exception of	16:17:27
19		David Curtis, Julia Vessels and Justin	16:17:32
20		Walker, you sent them a special separate	16:17:35
21		one?	16:17:37
22	A.	Yes.	16:17:37
23	Q.	I'm sorry, Mr. Curtis and	16:17:38
24		Mr. Walker. You did not send it to	16:17:44
25		Ms. Vessels, right?	16:17:47

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1	A.	I believe no.	16:17:48
2	Q.	Why did you send a separate	16:17:49
3		e-mail to them instead of lumping them in	16:17:51
4		with the other 300 contacts?	16:17:54
5	A.	They were coworkers.	16:17:56
6	Q.	And why did you include your	16:17:58
7		other coworkers on this e-mail?	16:18:01
8	A.	I don't remember.	16:18:11
9	Q.	You had mentioned that you	16:18:12
10		thought you were friendly with Mr. Curtis	16:18:24
11		because he asked for Ducks tickets?	16:18:27
12	A.	Yes.	16:18:31
13	Q.	Okay. And did you actually give	16:18:31
14		him Ducks tickets?	16:18:37
15	A.	I believe I did.	16:18:39
16	Q.	You did?	16:18:41
17	A.	I believe I did.	16:18:43
18	Q.	You believe you did; you're not	16:18:44
19		sure?	16:18:51
20	A.	I'm not sure.	16:18:51
21	Q.	Isn't it true that he told you	16:18:51
22		he couldn't accept them from you?	16:18:54
23	A.	No. He never said that. He	16:18:55
24		must be lying.	16:19:00
25	Q.	Why would you be so quick to	16:19:01

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1 Do you have Exhibit 22 up? 16:20:36

2 A. Not yet. 16:20:37

3 Q. Okay. Do you have it up now? 16:20:40

4 A. Yes. 16:21:14

5 Q. Okay. Have you had a chance to 16:21:14

6 read Exhibit 22? 16:21:52

7 A. Yes. 16:21:53

8 Q. Okay. So you recognize 16:21:54

9 Exhibit 22 is an e-mail exchange between 16:21:57

10 you and Mr. Curtis on November 7, 2018, 16:22:00

11 right? 16:22:03

12 A. Yes. 16:22:04

13 Q. Okay. And at the bottom, you 16:22:05

14 wrote and asked him to advise what games 16:22:08

15 he wanted? 16:22:10

16 A. Yes. 16:22:12

17 Q. You were offering him tickets? 16:22:13

18 A. Well, he asked me about the 16:22:16

19 tickets, so I told him -- I e-mailed 16:22:18

20 him -- 16:22:21

21 (Reporter clarification.) 16:22:21

22 A. -- Canucks or Sharks tickets. 16:22:39

23 MS. MARYOTT: C-A-N-U-C-K-S, or

24 Sharks.

25 (Reporter clarification.)

1 A. Yes.

2 BY MS. MARYOTT:

3 Q. And then he responded to you "I 16:22:45
4 really appreciate the offer, but I cannot 16:22:47
5 take anything from direct employees. I 16:22:49
6 would love to, but I can't. I hope to see 16:22:51
7 you there some day and thank you for the 16:22:54
8 offer, #Go Ducks." 16:22:56

9 That was his response? 16:23:02

10 A. I believe so. 16:23:04

11 Q. And he did not, in fact, take 16:23:04
12 tickets from you, right? 16:23:06

13 A. He did not. 16:23:08

14 Q. So let's take a look -- 16:23:33

15 MS. MARYOTT: It's tab 36, 16:23:35
16 Hazel. We'll mark Exhibit 23. 16:23:37

17 (Exhibit 23, E-mail string 16:23:41
18 beginning with Bates number 16:23:41
19 MAB-PRIME_00000200, marked for 16:23:41
20 identification.) 16:24:10

21 MS. CHUANG: Okay. It's up now. 16:24:10

22 BY MS. MARYOTT: 16:24:12

23 Q. Okay. So go ahead and pull up 16:24:12
24 Exhibit 23, Mr. Mabanta. Let me know when 16:24:14
25 you've read it. 16:24:57

1	A.	Okay. I read it.	16:25:46
2	Q.	Okay. So do you recognize	16:25:47
3		Exhibit 23 as an e-mail you wrote to	16:25:48
4		David Curtis, Julia Vessels, Crystal Smith	16:25:52
5		and Nicole Guzman on October 18 at	16:25:55
6		11:37 p.m.?	16:26:06
7	A.	Yes.	16:26:06
8	Q.	And in this you're reporting	16:26:07
9		"good feedback" from your coworkers,	16:26:10
10		correct?	16:26:13
11	A.	Yes.	16:26:14
12	Q.	Was it your practice to ask	16:26:14
13		coworkers for feedback?	16:26:16
14	A.	When we talk about it, what's	16:26:17
15		going on with the work.	16:26:19
16	Q.	And it says that you had a	16:26:21
17		response of a few of the shoppers who	16:26:26
18		e-mailed and texted you.	16:26:28
19	A.	Yes.	16:26:30
20	Q.	And so when you were e-mailing	16:26:31
21		and texting with coworkers, was that	16:26:34
22		something that you kept records of?	16:26:40
23	A.	Everything I e-mailed is	16:26:42
24		recorded.	16:26:47
25	Q.	Okay. And why were you	16:26:47

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1 e-mailing and texting with coworkers? 16:26:50

2 A. I want to find out what they're 16:26:55

3 doing. 16:26:57

4 Q. Why did you want to know what 16:26:58

5 they're doing? 16:26:59

6 (Reporter clarification.) 16:26:59

7 A. If they are happy at work. 16:27:05

8 Because there's no supervision -- there's 16:27:15

9 no supervision. At every location, 16:27:17

10 there's no managers. 16:27:20

11 BY MS. MARYOTT: 16:27:22

12 Q. Were you trying to stir up 16:27:22

13 trouble, Mr. Mabanta? 16:27:25

14 MS. BAKER: Objection, 16:27:27

15 harassing. 16:27:27

16 A. No. 16:27:31

17 BY MS. MARYOTT: 16:27:31

18 Q. So was it relevant to you -- 16:27:31

19 your ability to perform your job to know 16:27:37

20 what your coworkers were doing? 16:27:40

21 A. I want to know if I'm doing 16:27:43

22 things right. 16:27:47

23 Q. So you would ask your coworkers 16:27:47

24 if you were doing things right? 16:27:50

25 A. Yes. 16:27:53

1 Q. The third paragraph you wrote 16:27:53
2 "They are also very happy with the time 16:28:02
3 that they can take breaks. They mentioned 16:28:04
4 before that there was no discipline in the 16:28:07
5 breaks because there was really no 16:28:09
6 supervision in each location. Now they 16:28:11
7 can follow rules without anyone getting in 16:28:14
8 trouble." 16:28:18

9 Do you see that? 16:28:18

10 A. Yes. 16:28:19

11 Q. And so the issue prior to your 16:28:19
12 writing this e-mail was that there was no 16:28:22
13 clarity on the timing of when breaks 16:28:26
14 should happen? 16:28:28

15 A. Because they were complaining. 16:28:31

16 Q. They were complaining because 16:28:33
17 they weren't sure when to take them? 16:28:35

18 A. When they had breaks -- they 16:28:38
19 don't have breaks too. All of them didn't 16:28:39
20 have breaks. 16:28:45

21 Q. Okay. And when you say -- 16:28:46
22 you're saying everybody you worked with 16:28:50
23 never got breaks? 16:28:52

24 A. Not that I know of. 16:28:55

25 Q. How many of your coworkers did 16:28:56

1 you ask about the things you're describing 16:28:59
2 in this e-mail? 16:29:03
3 A. Can you say that again? 16:29:07
4 Q. How many of your coworkers did 16:29:08
5 you talk to about the things you describe 16:29:10
6 in this e-mail? 16:29:12
7 A. A lot of them. 16:29:14
8 Q. How many? 16:29:16
9 A. I can't remember. 16:29:18
10 Q. More than 25? 16:29:19
11 A. Maybe more. 16:29:26
12 Q. And these communications took 16:29:28
13 place while you were at work? 16:29:32
14 A. Yes. 16:29:35
15 Q. While you were performing your 16:29:35
16 job? 16:29:38
17 A. Yes. 16:29:39
18 Q. And then also on your free time? 16:29:40
19 A. When I'm at home. 16:29:47
20 Q. So when you were at home, you'd 16:29:48
21 be e-mailing and texting your coworkers? 16:29:50
22 A. Yes. 16:29:53
23 Q. Why would you do that when you 16:29:53
24 were at home? 16:30:02
25 A. I want to find out what's going 16:30:03

1	on.	16:30:06
2	Q. Find out what's going on?	16:30:08
3	A. Yes.	16:30:10
4	Q. So when you were at home and	16:30:14
5	other people at work, you were texting	16:30:16
6	them and e-mailing them?	16:30:20
7	A. Yes. What was that again?	16:30:22
8	Q. Well, I asked if while you were	16:30:26
9	at home you were texting and e-mailing	16:30:29
10	your coworkers who were at work?	16:30:32
11	A. Not that I know of, that they	16:30:35
12	were working.	16:30:37
13	Q. So you didn't know when you were	16:30:38
14	texting your coworkers whether they were	16:30:41
15	at work or not?	16:30:43
16	A. Yes.	16:30:45
17	Q. Did you receive e-mails and	16:30:45
18	texts from your coworkers while you were	16:30:53
19	at work?	16:30:55
20	A. No.	16:30:58
21	Q. Did people respond via text and	16:30:58
22	e-mail?	16:31:03
23	A. So they tell it to my face.	16:31:12
24	Q. So you would send e-mails and	16:31:13
25	text messages and people would not write	16:31:17

1 back; is that right? 16:31:21

2 A. Yes. 16:31:22

3 Q. Did anyone ever ask you to stop 16:31:24

4 sending the text messages and e-mails? 16:31:27

5 A. No. 16:31:29

6 Q. When did you first consult with 16:31:29

7 a lawyer about your employment at 16:31:53

8 Prime Now? 16:31:56

9 A. That I know, 2019. 16:32:03

10 Q. So you didn't consult with a 16:32:04

11 lawyer regarding anything relating to your 16:32:10

12 employment at Amazon prior to 2019? 16:32:13

13 MS. BAKER: And, Mr. Mabanta, 16:32:19

14 she's not entitled to anything that 16:32:20

15 you discussed with a lawyer, okay? 16:32:22

16 THE WITNESS: Yes. 16:32:25

17 A. I do not remember the dates and 16:32:27

18 time. 16:32:28

19 BY MS. MARYOTT: 16:32:29

20 Q. Well, you just said you first 16:32:29

21 consulted with a lawyer about your 16:32:35

22 employment at Prime Now in 2019, correct? 16:32:36

23 (Reporter clarification.) 16:32:36

24 A. 2019. It could be 2020, but 16:32:45

25 2019 if I can remember right. 16:32:52

1 MS. MARYOTT: So we're going 16:32:56
2 to -- let's pull up Exhibit 24. And, 16:32:57
3 Hazel, it will be tab 69. 16:33:00
4 (Exhibit 24, E-mail string 16:33:04
5 beginning with Bates number 16:33:04
6 MAB-PRIME_00000288, marked for 16:33:04
7 identification.) 16:33:34
8 MS. CHUANG: Okay. 16:33:34
9 BY MS. MARYOTT: 16:33:34
10 Q. Okay. Let's go ahead and pull 16:33:37
11 up Exhibit 24, Mr. Mabanta. Let me know 16:33:39
12 once you've read it. 16:34:09
13 A. I remember this e-mail. 16:34:11
14 Q. Okay. So you recognize 16:34:21
15 Exhibit 24 as an e-mail exchange on 16:34:25
16 July 8, 2018 with a number of people? 16:34:29
17 A. Yes, yes. 16:34:35
18 Q. Okay. So now you first sent an 16:34:36
19 e-mail in this string on July 8, 2018 at 16:34:42
20 1:01 p.m. Do you see that? It's the very 16:34:48
21 bottom e-mail. 16:34:52
22 A. Yeah. 16:35:05
23 Q. Do you see that? 16:35:05
24 A. Yes. 16:35:08
25 Q. Okay. And the title is "Am 16:35:09

1	assador, " A-S-S-A-D-O-R, "Jerimy, "	16:35:19
2	J-E-R-I-M-Y.	16:35:23
3	A. That's ambassador.	16:35:25
4	Q. You meant to put ambassador?	16:35:27
5	A. Yes.	16:35:30
6	Q. Okay.	16:35:31
7	A. He's the guy I worked with.	16:35:35
8	Q. Jeremy Locanas?	16:35:38
9	A. I don't remember the last name.	16:35:43
10	Q. Okay. And you write in this	16:35:44
11	e-mail "Is it true that you cannot ask	16:35:47
12	questions to this person? He is very rude	16:35:50
13	and loud. He treats P-E-O-O-J-E" --	16:35:53
14	Is that supposed to be people?	16:36:01
15	A. Was that the second e-mail?	16:36:17
16	Q. It's the first e-mail in the	16:36:22
17	string. It's the second page.	16:36:24
18	A. Second page.	16:36:27
19	Q. Do you know when you read an	16:36:32
20	e-mail string, you start at the bottom and	16:36:34
21	then go up, right?	16:36:36
22	A. Yeah, people.	16:36:37
23	Q. Okay. So P-E-O-O-J-E, you meant	16:36:39
24	to write people?	16:36:43
25	A. Yes.	16:36:44

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1 Q. Okay. So "He treats people here 16:36:47
2 like shit. And he says. David has his 16:36:48
3 back." 16:36:53

4 Is that supposed to be one 16:36:55
5 sentence "And he says David has his back"? 16:36:56

6 A. Yes. 16:36:59

7 Q. It goes on to say "He can do 16:37:00
8 anything he wants. To do here." 16:37:04

9 Was that supposed to be one 16:37:08
10 sentence so "He can do anything he wants 16:37:11
11 to do here"? 16:37:13

12 A. Supposed to be. 16:37:19

13 Q. It goes on to say "And he lies a 16:37:21
14 lot. I gave witnesses. I do not lie. 16:37:23
15 If. I do. You. Guys can fire. Me." -- 16:37:30
16 "fire. Me." 16:37:30

17 So did you mean that to be one 16:37:39
18 sentence, "So if I do, you guys can fire 16:37:41
19 me"? Was that meant to be one sentence? 16:37:44

20 A. I believe so. 16:37:47

21 Q. Okay. Then it says "I can also 16:37:49
22 write to the K-A-B-I-R" -- 16:37:52

23 A. Labor board. 16:37:58

24 Q. Let me finish "The K-A-B-I-R 16:37:58
25 board of California for discrimination." 16:38:02

1 K-A-B-I-R was supposed to be 16:38:05
2 labor? 16:38:07
3 A. Labor. 16:38:08
4 Q. Okay. Okay. And in response, 16:38:09
5 Mr. Curtis wrote back and asked you for 16:38:20
6 details about what's going on, right? 16:38:24
7 A. Yes. 16:38:26
8 Q. And then you responded at 1:18. 16:38:28
9 Do you see that? The very top e-mail is 16:38:34
10 your response. 16:38:36
11 A. Okay. 16:38:37
12 Q. Do you see your response? 16:38:55
13 A. Yes. 16:38:56
14 Q. Okay. So Mr. Curtis asked you 16:38:58
15 for more information at 1:04, and you 16:39:03
16 responded at 1:18. 16:39:06
17 Did you spend the 14 minutes 16:39:08
18 between his e-mail and your e-mail writing 16:39:12
19 this response? 16:39:15
20 A. Could be. 16:39:17
21 Q. So it looks like there was an 16:39:18
22 attachment. What did you attach? 16:39:25
23 A. I attach a letter -- 16:39:30
24 Q. Okay. 16:39:33
25 A. -- which David Curtis has, and 16:39:34

1 if I can remember, Crystal Smith has a 16:39:40
2 copy of the letter too. 16:39:42

3 Q. Okay. So there's a sentence 16:39:44
4 here, it says -- it's the third line of 16:39:52
5 your -- of the top e-mail, and it says "He 16:39:59
6 told me literally I F-U-K-K-E in NY first 16:40:02
7 2 orders." 16:40:11

8 What did you mean to write 16:40:12
9 there? 16:40:14

10 A. I don't remember anymore. 16:40:31

11 Q. Okay. I'm assuming you didn't 16:40:33
12 intend to type the word "F-U-K-K-E" 16:40:36
13 because as far as I know that's not a 16:40:40
14 word. 16:40:41

15 A. Yes. 16:40:42

16 Q. Okay. You were on your cell 16:40:43
17 phone when you did this? 16:40:49

18 A. I believe I was in my e-mail. 16:40:52

19 Q. Right. Did you have your e-mail 16:40:58
20 on your cell phone? 16:41:00

21 A. Yes. 16:41:01

22 Q. And do you think you were on 16:41:03
23 your cell phone when you wrote this? 16:41:04

24 A. Could be. 16:41:06

25 Q. Did you have trouble with 16:41:06

1 periods and spelling and things like that 16:41:10
2 using the iPhone? 16:41:13
3 A. No. 16:41:15
4 Q. Then you switched to all caps on 16:41:16
5 the fifth line. Did you intend to switch 16:41:25
6 to all caps? 16:41:29
7 A. Yes. 16:41:30
8 Q. Why? 16:41:32
9 A. Because when I'm mad, I switch 16:41:34
10 to all caps. That's what my kids tell me, 16:41:36
11 You do all caps always. 16:41:39
12 Q. So you were mad when you wrote 16:41:41
13 this e-mail? 16:41:43
14 A. Yes. 16:41:44
15 Q. Okay. And should we assume that 16:41:44
16 in all of your e-mails where we see all 16:41:47
17 caps is because you were mad? 16:41:50
18 A. Could be. 16:41:52
19 Q. Now, it says "We never git 16:41:53
20 tokd" -- G-I-T T-O-K-D -- "thus." 16:41:58
21 (Reporter clarification.) 16:41:58
22 BY MS. MARYOTT: 16:41:58
23 Q. Did you mean to write "got told 16:42:12
24 this"? 16:42:15
25 A. Yes. 16:42:23

1 Q. Okay. And on the next line, 16:42:24
2 where it says "without saing anything," 16:42:27
3 it's spelled S-A-I-N-G, did you mean to 16:42:30
4 spell that S-A-Y-N-G [sic]? 16:42:34
5 A. Yes. 16:42:43
6 Q. And later on that line it says 16:42:43
7 "S-N-D," but you meant to spell "and"? 16:42:45
8 A. Yes. I'm dyslexic. 16:42:49
9 Q. You're dyslexic? 16:42:52
10 A. Yes. 16:42:55
11 Q. When were you diagnosed as 16:42:55
12 dyslexic? 16:42:57
13 A. A few months ago. 16:42:58
14 Q. And what specifically is the 16:43:03
15 nature of your dyslexia? 16:43:05
16 A. I read things so quick. 16:43:13
17 Q. And do you have a sense for when 16:43:15
18 your dyslexia began? 16:43:24
19 A. I'm sorry? 16:43:28
20 Q. When did your symptoms of 16:43:29
21 dyslexia begin? 16:43:35
22 A. Just a few months ago. 16:43:37
23 Q. Okay. So continuing on where it 16:43:39
24 says "ABD," you meant to say "and" there? 16:43:45
25 A. Yes. 16:43:50

1 Q. And then on the next line where 16:43:50
2 it says "you cannot haddle" -- 16:43:55
3 A. Handle. 16:43:59
4 Q. "Handle it," okay. And then it 16:43:59
5 says "does he have" -- and that should be 16:44:04
6 T-H-E R-I-G-H-T? 16:44:07
7 A. Yes. 16:44:10
8 Q. Okay. And then you went on to 16:44:11
9 say "Anyway, sorry to bother you on your 16:44:15
10 vacation." 16:44:16
11 Did you know that Mr. Curtis was 16:44:17
12 on his vacation when you sent this e-mail? 16:44:19
13 A. Yes. That's how close we were. 16:44:22
14 He tells me where his vacation was and 16:44:24
15 where he's going. 16:44:27
16 Q. Okay. 16:44:28
17 A. That's why I sent him the 16:44:33
18 e-mail. 16:44:35
19 Q. You were at work when you had 16:44:42
20 this e-mail exchange; is that right? 16:44:46
21 A. I believe so. 16:44:49
22 Q. I think we've talked a little 16:44:56
23 bit about the fact that you spent a lot of 16:44:58
24 time paying attention to what your 16:44:59
25 coworkers were doing. Did that interfere 16:45:01

1 with your ability to do your job? 16:45:04

2 A. No. 16:45:07

3 Q. Did it distract you from your 16:45:07

4 job? 16:45:16

5 A. No. 16:45:17

6 Q. Okay. 16:45:17

7 A. I'm a multitasker. 16:45:23

8 Q. You're a multitasker? 16:45:24

9 A. Yes. 16:45:26

10 MS. MARYOTT: Let's go ahead and 16:45:34

11 mark Exhibit 25 and, Hazel, it's 16:45:35

12 tab 70. 16:45:38

13 (Exhibit 25, E-mail string 16:45:41

14 beginning with Bates number 16:45:41

15 MAB-PRIME_00000350, marked for 16:45:41

16 identification.) 16:46:19

17 MS. MARYOTT: Oh, I'm sorry. 16:46:19

18 Did you say it's there, Hazel? 16:46:20

19 MS. CHUANG: Yeah, sorry. It's 16:46:23

20 ready. 16:46:25

21 MS. MARYOTT: Thank you. 16:46:25

22 BY MS. MARYOTT: 16:46:26

23 Q. Okay. Let's go ahead and pull 16:46:26

24 up Exhibit 25. Do you have Exhibit 25 on 16:46:28

25 the screen, Mr. Mabanta? 16:47:05

1 A. Yes. I'm just trying to read it 16:47:08
2 now. 16:47:10
3 Q. Okay. 16:47:11
4 A. Okay. 16:47:39
5 Q. Okay. So do you recognize 16:47:40
6 Exhibit 25 as an e-mail you sent to 16:47:42
7 David Curtis, Julia Vessels, Nicole 16:47:48
8 Guzman, Jeff Bezos, Greg Turner and 16:47:52
9 Crystal Smith on September 3, 2018? 16:47:56
10 A. I don't remember. 16:48:02
11 Q. Did somebody help you write 16:48:02
12 this? 16:48:05
13 A. No. 16:48:06
14 Q. Why is the whole thing in 16:48:06
15 italics? 16:48:08
16 A. That's my problem. 16:48:09
17 Q. Do you usually write in italics? 16:48:11
18 A. No. 16:48:16
19 Q. You said it's your problem? 16:48:16
20 A. Yes. Sometimes I do it in bold. 16:48:22
21 Sometimes I do it in italics. 16:48:26
22 Q. Okay. Now, you state here "Do I 16:48:29
23 really need to get my legal counsel 16:48:35
24 involved in this seriously?" 16:48:38
25 Did you have legal counsel at 16:48:42

1 that time? 16:48:43

2 A. No. 16:48:45

3 Q. So when you said "my legal 16:48:45

4 counsel," who did you mean? 16:48:48

5 A. I was going to call up my 16:48:51

6 lawyer. 16:48:53

7 Q. What lawyer? Who's your lawyer? 16:48:55

8 A. Mr. Nami. 16:48:59

9 Q. How long has Mr. Nami been your 16:49:01

10 lawyer? 16:49:05

11 A. About three years. 16:49:06

12 Q. And you state here on the second 16:49:07

13 page "My lawyer told me that I have a very 16:49:19

14 strong case of harassment and defamation 16:49:23

15 and libel." 16:49:27

16 So was that a true statement? 16:49:31

17 Were you told that? 16:49:35

18 MS. BAKER: I'm going to 16:49:36

19 instruct him not to answer. Anything 16:49:37

20 he may have discussed with his lawyer 16:49:39

21 is privileged. 16:49:41

22 MS. MARYOTT: It's actually a 16:49:41

23 waiver. He shared this with five 16:49:43

24 other people. 16:49:47

25 MS. BAKER: I'm still going to 16:49:48

1 disagree and instruct him not to 16:49:50
2 answer. 16:49:52
3 BY MS. MARYOTT: 16:49:52
4 Q. Are you following that 16:49:54
5 instruction, Mr. Mabanta? 16:49:55
6 A. Yes. 16:49:56
7 Q. And you lodged a complaint about 16:49:57
8 shopper Rosie by sending this; is that 16:50:20
9 right? 16:50:23
10 A. Yes. 16:50:25
11 Q. What were you hoping would 16:50:25
12 happen to Rosie when you complained about 16:50:29
13 her? 16:50:32
14 A. I didn't talk to her. 16:50:33
15 Q. What were you hoping would come 16:50:36
16 of complaining about her? 16:50:41
17 A. Well, to tell her the truth, the 16:50:43
18 rules. 16:50:49
19 Q. What do you mean? 16:50:52
20 A. The rules at work. 16:50:53
21 Q. What rules at work was she 16:50:55
22 violating in your view? 16:50:59
23 A. She's harassing me. 16:51:03
24 Q. How did she harass you? 16:51:04
25 A. I'm trying to read it right now, 16:51:10

1	yeah.	16:51:12
2	Q. Do you remember without reading	16:51:13
3	this?	16:51:14
4	A. No. That's why I write things	16:51:15
5	down.	16:51:27
6	Rosie, who's Rosie?	16:51:41
7	MS. BAKER: I don't believe	16:51:48
8	there's a question pending. Is there	16:51:49
9	a question?	16:51:52
10	MS. MARYOTT: Oh, my apologies.	16:51:56
11	BY MS. MARYOTT:	16:51:56
12	Q. Who is Rosie?	16:51:59
13	A. I don't know. This is something	16:52:03
14	to do with Jeremy --	16:52:07
15	Q. Well, at the bottom of the	16:52:19
16	page --	16:52:21
17	(Reporter clarification.)	16:52:21
18	MS. MARYOTT: The ambassador.	16:52:21
19	BY MS. MARYOTT:	16:52:21
20	Q. So you're saying all of this was	16:52:24
21	told to you by Rosie, right?	16:52:29
22	A. Yes.	16:52:32
23	Q. Okay. And then Rosie asked you	16:52:33
24	to have a selfie, and you reported that?	16:52:36
25	A. Yes.	16:52:40

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1 Q. So, Mr. Mabanta, you mention 16:52:41
2 harassment and hostile place to work in a 16:52:55
3 few different places in this e-mail. 16:52:58
4 Had you received training about 16:53:00
5 the prohibition against harassment -- 16:53:04
6 A. No. 16:53:09
7 Q. -- at Amazon? 16:53:09
8 A. No. 16:53:11
9 Q. No? Okay. 16:53:11
10 So in what way were you claiming 16:53:16
11 that Jeremy Locanas harassed you? 16:53:19
12 A. By the way he was speaking to 16:53:25
13 me, because we found out there's no 16:53:26
14 managers. 16:53:37
15 (Reporter clarification.) 16:53:37
16 A. There's no manager, and there's 16:53:38
17 no David Curtis there. And then he acts 16:53:38
18 like David Curtis is a manager. 16:53:44
19 BY MS. MARYOTT: 16:53:44
20 Q. And you didn't like that? 16:53:47
21 A. I didn't like that. 16:53:50
22 MS. MARYOTT: Let's go ahead and 16:53:54
23 mark as Exhibit 26, tab 71, Hazel. 16:53:54
24 (Exhibit 26, E-mail string 16:54:06
25 beginning with Bates number 16:54:06

1 MAB-PRIME_00000204, marked for 16:54:06
2 identification.) 16:54:08
3 MS. CHUANG: It's ready. 16:54:08
4 BY MS. MARYOTT: 16:54:28
5 Q. Go ahead and open up Exhibit 26, 16:54:29
6 Mr. Mabanta. Do you have it up on the 16:54:31
7 screen? 16:54:51
8 A. Not yet. Yes. 16:54:52
9 Q. Okay. So do you recognize 16:55:28
10 Exhibit 26 -- or the substance of 16:55:29
11 Exhibit 26 is an e-mail that you sent on 16:55:34
12 October 8, 2018 to David Curtis, Julia 16:55:38
13 Vessels, Nicole Guzman, Crystal Smith, 16:55:43
14 Jeff Bezos, Greg Turner and Amazon.com 16:55:47
15 Customer Relations? 16:55:54
16 A. Yes. 16:55:59
17 Q. And you wrote to make a 16:56:00
18 complaint about a shopper named Cat? 16:56:02
19 A. I don't remember this anymore. 16:56:10
20 Q. You don't remember what happened 16:56:12
21 here? 16:56:15
22 A. No. 16:56:16
23 Q. Do you remember working with 16:56:17
24 someone named Cat? 16:56:19
25 A. Yes. 16:56:23

1 Q. If you look on the second page 16:56:23
2 at the top, number 10, it says "The only 16:56:29
3 way I think something would be done if I 16:56:34
4 go to my lawyer and file a discriminating 16:56:37
5 and harassment lawsuit or a Class Action 16:56:41
6 Lawsuit against Amazon Prime." 16:56:47

7 Do you see that? 16:56:50

8 A. Yes. 16:56:50

9 Q. And what was it that you wanted 16:56:51
10 to be done? 16:56:55

11 A. I'm trying to remember. I don't 16:57:03
12 remember this too well anymore. So many 16:57:08
13 things happening there. 16:57:12

14 Q. So you don't remember? 16:57:19

15 A. No. 16:57:20

16 Q. Okay. A few lines down you say 16:57:21
17 "I know a lot of other employees would 16:57:25
18 join me in this. I already have a number 16:57:28
19 of them ready to join what" -- "to join." 16:57:30

20 Join what? 16:57:41

21 A. Like I said, I don't remember 16:57:43
22 this anymore. 16:57:44

23 Q. Who were the employees that you 16:57:44
24 had ready to join you? 16:57:47

25 A. I don't remember anymore. 16:57:50

1 They're not working there anymore. 16:57:51

2 Q. How do you know they're not 16:57:55

3 working there anymore if you don't 16:57:57

4 remember who they are? 16:57:58

5 A. Yeah. 16:58:00

6 Q. Do you remember who they are? 16:58:00

7 A. No. 16:58:03

8 Q. Do you know where any of them 16:58:05

9 are working? 16:58:07

10 A. Some of them do. 16:58:11

11 Q. Which ones? 16:58:14

12 A. John Jay. He works at UPS. 16:58:17

13 That's what I can remember. 16:58:33

14 Q. At some point, Mr. Mabanta, did 16:58:35

15 you have trouble getting signed up for 16:58:47

16 direct deposit? 16:58:50

17 A. Not that I know of. 16:58:55

18 Q. Did you run any businesses while 16:58:56

19 you were employed with Amazon? 16:59:23

20 A. No. 16:59:27

21 Q. At one point were you picking up 16:59:27

22 your paycheck at the Prime Now site? 16:59:47

23 A. Yes. 16:59:51

24 Q. And that changed at some point? 16:59:51

25 A. Yes. 16:59:56

1 Q. And when that changed, did you 16:59:58
2 try to sign up for direct deposit? 17:00:00
3 A. Yes. 17:00:02
4 Q. And were you able to get your 17:00:03
5 pay via direct deposit after that? 17:00:06
6 A. Yes. 17:00:08
7 MS. MARYOTT: Let's go ahead and 17:00:35
8 pull up tab 85. Hazel, we'll mark as 17:00:36
9 Exhibit 27. 17:00:40
10 (Exhibit 27, E-mail string 17:00:42
11 beginning with Bates number 17:00:42
12 MAB-PRIME_00000387, marked for 17:00:42
13 identification.) 17:00:44
14 MS. BAKER: And, Counsel, it's 17:00:44
15 5:00. We can discuss on or off the 17:00:46
16 record, but if you have an indication 17:00:48
17 of time remaining, we'll either have 17:00:50
18 to agree to continue or agree to find 17:00:53
19 another date. 17:00:56
20 MS. MARYOTT: I don't have very 17:00:57
21 much more. I'd say 45 minutes at the 17:00:59
22 most. 17:01:02
23 MS. BAKER: Okay. Then I'd like 17:01:02
24 to take a five-minute break. 17:01:05
25 MS. MARYOTT: Sure. Let's do 17:01:07

1	that now.	17:01:10
2	THE VIDEOGRAPHER: Going off the	17:01:11
3	record. The time is 5:01 p.m.	17:01:11
4	(Whereupon, a brief recess is	17:11:45
5	taken.)	17:11:45
6	THE VIDEOGRAPHER: Back on the	17:11:45
7	record. The time is 5:11 p.m.	17:11:55
8	BY MS. MARYOTT:	17:11:58
9	Q. Okay. Mr. Mabanta, could you	17:11:58
10	please open the document marked as	17:12:00
11	Exhibit 27. Let me know when you have it	17:12:02
12	open. Do you have it open, Mr. Mabanta?	17:12:17
13	A. Yes.	17:12:43
14	Q. Okay. So do you recognize	17:12:44
15	Exhibit 27 as an e-mail exchange starting	17:12:45
16	with your e-mail dated June 17, 2018 and a	17:12:51
17	response from Greg Turner on June 22,	17:12:56
18	2018?	17:13:01
19	A. I believe so.	17:13:02
20	Q. Okay. And in your e-mail you	17:13:03
21	wrote to David Curtis, Crystal Smith,	17:13:06
22	Jeff Bezos and Julia Vessels to address	17:13:10
23	some work issues you had. Is that the	17:13:14
24	subject of this e-mail?	17:13:36
25	A. Yes.	17:13:37

1 Q. And so you were describing the 17:13:38
2 technical challenges you were having 17:13:41
3 operating the app? 17:13:45
4 A. Yes. 17:13:48
5 Q. And you're referring -- you 17:13:48
6 referred to CSSM, that was Amazon Moment, 17:13:52
7 right? 17:13:59
8 A. Yes. 17:13:59
9 Q. And then you also mentioned 17:13:59
10 something about the seller app phones as 17:14:01
11 well. You were having trouble operating 17:14:03
12 those too? 17:14:05
13 A. Yes. 17:14:07
14 Q. And then you note in here that 17:14:07
15 when you couldn't log in, you logged in as 17:14:15
16 someone else for a full shift. Do you 17:14:18
17 recall doing that? 17:14:21
18 A. I don't remember it anymore, but 17:14:25
19 could -- could happen. 17:14:27
20 Q. Okay. Well, you describe that 17:14:28
21 happening in this e-mail. Would you have 17:14:30
22 described logging in as someone else if 17:14:33
23 you had not done that? 17:14:35
24 A. I remember this now. 17:15:11
25 Q. Okay. You remember logging in 17:15:13

1 as someone else? 17:15:15

2 A. Yes. 17:15:16

3 Q. Okay. Okay. 17:15:17

4 A. Because -- 17:15:25

5 (Reporter clarification.) 17:15:25

6 A. -- they needed a password and 17:15:28

7 their ID because mine wasn't working, so 17:15:29

8 they told me -- 17:15:34

9 (Reporter clarification.) 17:15:34

10 A. -- if I wanted to work, I had to 17:15:38

11 use -- I have to use this -- this -- 17:15:41

12 these -- 17:15:45

13 (Reporter clarification.) 17:15:45

14 A. I have to use somebody else. 17:15:52

15 BY MS. MARYOTT: 17:15:55

16 Q. And did somebody help you log in 17:15:55

17 as Mike Angelo? 17:15:58

18 A. I don't remember the name 17:16:02

19 anymore. 17:16:03

20 Q. But someone helped you log in? 17:16:05

21 A. Yes. 17:16:09

22 Q. You were able to log in as Mike 17:16:11

23 Angelo and then work your shift? 17:16:14

24 A. Yes. 17:16:16

25 Q. Okay. 17:16:18

1 MS. MARYOTT: Let's go ahead and 17:16:26
2 mark Exhibit 28, which, Hazel, will be 17:16:23
3 tab 48. 17:16:29
4 (Exhibit 28, Amazon Owner's 17:16:30
5 Manual and Guide to Employment - 17:16:30
6 December 2017, marked for 17:16:30
7 identification.) 17:17:23
8 MS. CHUANG: It's ready. 17:17:23
9 MS. MARYOTT: Thank you. 17:17:24
10 BY MS. MARYOTT: 17:17:25
11 Q. Go ahead and open up Exhibit 28, 17:17:25
12 Mr. Mabanta, and let me know when you have 17:17:28
13 it up on the screen. 17:17:39
14 A. I have the owner's manual. 17:17:48
15 Q. Owner's manual, yes. So do you 17:17:54
16 recognize Exhibit 28 as the Amazon Owner's 17:17:57
17 Manual and Guide to Employment? 17:18:02
18 A. No. 17:18:03
19 Q. Have you seen this document 17:18:03
20 before? 17:18:05
21 A. No. 17:18:06
22 Q. Okay. 17:18:06
23 MS. MARYOTT: Let's go ahead and 17:18:14
24 mark tab 47, Hazel, as Exhibit 29. 17:18:15
25 (Exhibit 29, Amazon Policies and 17:18:19

1 Procedures Acknowledgment Form - NAFC, 17:18:19
2 marked for identification.) 17:18:20
3 MS. CHUANG: It's ready. 17:18:20
4 MS. MARYOTT: Great. 17:18:41
5 BY MS. MARYOTT: 17:18:41
6 Q. Go ahead and open up Exhibit 29, 17:18:43
7 Mr. Mabanta. 17:18:45
8 A. It's still loading. 17:19:04
9 Yes, I have it "Policies and 17:19:38
10 Procedure Acknowledgment Form." 17:19:49
11 Q. Yeah. So Exhibit 29 is the 17:19:51
12 "Policies and Procedures Acknowledgment 17:19:53
13 Form - NAFC." 17:19:56
14 Do you see at the very top left 17:19:59
15 it says "acknowledged by 17:20:01
16 maroomarool1112@gmail.com (Mario Mabanta on 17:20:04
17 3/19/2018 6:27:32 a.m.)"? 17:20:16
18 Do you see that in the upper 17:20:21
19 left-hand corner? 17:20:25
20 A. Yes. 17:20:26
21 Q. And that reflects your 17:20:26
22 acknowledgment electronically that you 17:20:28
23 received the policies and procedures, 17:20:30
24 correct? 17:20:32
25 A. Yes. 17:20:33

1 Q. Did you go into MyDocs and 17:20:36
2 review any of the documents listed on this 17:20:40
3 acknowledgment? 17:20:44
4 A. No. 17:20:45
5 Q. Why not? 17:20:45
6 A. I didn't see -- 17:20:49
7 Q. You didn't see what? 17:20:51
8 A. I didn't see this thing. I 17:20:54
9 didn't see this document. 17:20:56
10 Q. You didn't see this 17:20:57
11 acknowledgment form? 17:20:58
12 A. No. 17:21:00
13 Q. Do you have any idea how you 17:21:00
14 could have electronically acknowledged it 17:21:02
15 without seeing it? 17:21:04
16 A. Could be. I don't know how. 17:21:06
17 Q. No. I'm trying to understand 17:21:10
18 how you could have done that. 17:21:11
19 Do you have any thoughts on how 17:21:12
20 you could have acknowledged it 17:21:13
21 electronically without seeing the form? 17:21:15
22 A. No. 17:21:22
23 Q. Okay. Let's go ahead and mark 17:21:33
24 as Exhibit 30 your responses to our 17:21:37
25 request for production. 17:21:42

1 MS. MARYOTT: Hazel, that's 17:21:44
2 tab 9. 17:21:47
3 (Exhibit 30, Plaintiffs' 17:21:51
4 Responses to Defendants' Request for 17:21:51
5 Product of Documents, marked for 17:21:51
6 identification.) 17:22:00
7 MS. CHUANG: That one's ready. 17:22:00
8 BY MS. MARYOTT: 17:22:18
9 Q. Go ahead and open Exhibit 30, 17:22:18
10 Mr. Mabanta, and let me know when you have 17:22:20
11 it on your screen. 17:22:29
12 Do you have it up on your 17:22:55
13 screen, Mr. Mabanta? 17:22:56
14 A. Yes, yes. 17:22:57
15 Q. And do you recognize this 17:22:58
16 document as your responses to defendants' 17:22:59
17 production -- request for production of 17:23:03
18 documents in this case? 17:23:05
19 A. Yes. 17:23:06
20 Q. Okay. And so you understood 17:23:07
21 that Amazon and Prime Now were requesting 17:23:10
22 that you provide documents to us in 17:23:14
23 connection with this lawsuit, right? 17:23:16
24 A. Yes. 17:23:18
25 Q. And did you look everywhere you 17:23:18

1 could think of for documents that you had 17:23:21
2 relating to your employment -- 17:23:23
3 A. Yes. 17:23:25
4 Q. -- at Amazon? 17:23:27
5 A. Yes. 17:23:28
6 Q. If you could look at page 5, and 17:23:30
7 specifically request for production No. 7, 17:23:34
8 let me know when you're there. 17:23:43
9 A. Okay. I'm here. 17:24:00
10 Q. Okay. So request for production 17:24:01
11 No. 7 asks for "All documents that relate 17:24:05
12 to the actual amount of time you spent 17:24:06
13 selecting shifts for Prime Now, as alleged 17:24:09
14 in your complaint." 17:24:13
15 Do you see that? 17:24:13
16 A. Yes. 17:24:15
17 Q. Okay. And your lawyers raised 17:24:16
18 some objections and then said "Responsive 17:24:17
19 nonprivileged documents in plaintiffs' 17:24:22
20 possession will be produced." 17:24:24
21 Do you see that? 17:24:25
22 A. Yes. 17:24:40
23 Q. And did you understand that to 17:24:41
24 be a request for you to look for documents 17:24:43
25 relating to the actual amount of time you 17:24:46

1	spent selecting shifts?	17:24:48
2	A. Yes.	17:24:53
3	Q. Did you look everywhere you	17:24:53
4	could possibly think of for such	17:24:55
5	documents?	17:24:56
6	A. Yes.	17:24:57
7	Q. And did you find any?	17:24:58
8	A. No.	17:25:00
9	MS. MARYOTT: Let's mark as	17:25:18
10	Exhibit 31. And that -- I'm sorry,	17:25:20
11	Hazel, that's tab 25.	17:25:37
12	(Exhibit 31, Declaration of	17:25:40
13	Mario Mabanta, marked for	17:25:40
14	identification.)	17:25:40
15	BY MS. MARYOTT:	17:25:40
16	Q. And while that's loading,	17:25:40
17	Mr. Mabanta, is it fair for us to assume	17:25:42
18	that for any requests where you said you	17:25:45
19	would produce documents, that you did	17:25:47
20	everything that you could to locate	17:25:50
21	documents?	17:25:52
22	A. Yes.	17:25:52
23	Q. Where did you keep that Amazon	17:25:53
24	file you were talking about?	17:25:59
25	A. My drawer at home.	17:26:02

1 Q. How thick is that file? 17:26:04

2 A. Maybe it was an inch thick. 17:26:06

3 MS. CHUANG: Exhibit 31 is 17:26:24

4 ready. 17:26:26

5 MS. MARYOTT: Thank you. 17:26:26

6 BY MS. MARYOTT: 17:26:30

7 Q. Go ahead and open Exhibit 31, 17:26:31

8 Mr. Mabanta. Let me know when you have 17:26:33

9 that on the screen. 17:26:48

10 A. I have it. 17:26:55

11 Q. Okay. Do you recognize 17:26:56

12 Exhibit 31 as your declaration in support 17:26:59

13 of your motion for class -- for 17:27:03

14 certification of California class claims? 17:27:06

15 A. Yes. 17:27:09

16 Q. If you could look at the last 17:27:15

17 page, please. 17:27:17

18 A. Okay. Signature page? 17:27:21

19 Q. Yes. And is that your signature 17:27:23

20 reflected on -- 17:27:25

21 A. Yes. 17:27:26

22 Q. Okay. Let me -- is that your 17:27:27

23 signature reflected on page 3? 17:27:30

24 A. Yes. 17:27:42

25 Q. Did you read this document 17:27:43

1 carefully before you signed it? 17:27:47

2 A. Yes. 17:27:50

3 Q. Was there anything that you 17:27:50

4 wanted to change that did not get changed 17:27:54

5 before you signed it? 17:27:56

6 A. I have to read it right now. 17:28:01

7 No. 17:28:18

8 Q. How much time did you spend 17:28:21

9 reviewing this document before you signed 17:28:22

10 it? 17:28:24

11 A. Maybe an hour. 17:28:26

12 Q. Did you review any documents as 17:28:29

13 you were reviewing this declaration? 17:28:32

14 A. No. 17:28:37

15 Q. Was there anything in this 17:28:58

16 declaration that you didn't understand? 17:28:59

17 A. No. 17:29:01

18 MS. MARYOTT: Why don't we take 17:29:14

19 just five minutes? I think I'm done. 17:29:15

20 I just want to look one last time at 17:29:17

21 my notes, and then we should be able 17:29:19

22 to wrap this up. 17:29:22

23 THE WITNESS: Okay. 17:29:23

24 THE VIDEOGRAPHER: Going off the 17:29:25

25 record. The time is 5:29 p.m. 17:29:26

1 (Whereupon, a brief recess is 17:33:51
2 taken.) 17:33:51
3 THE VIDEOGRAPHER: Back on the 17:33:51
4 record. The time is 5:34 p.m. 17:34:04
5 BY MS. MARYOTT: 17:34:06
6 Q. Mr. Mabanta, could you pull up 17:34:07
7 Exhibit 30 again? 17:34:11
8 A. I have it here. 17:34:12
9 Q. Okay. So if you could turn to 17:34:50
10 page 6 and specifically "request for 17:34:54
11 production No. 10," and let me know when 17:34:56
12 you see request No. 10? 17:35:11
13 A. I have it right now. 17:35:14
14 Q. Okay. So request No. 10 asks 17:35:16
15 for all electronic communications on any 17:35:18
16 mobile phone or laptop or desktop computer 17:35:20
17 or cloud-based account that relate to this 17:35:25
18 action or your employment with Prime Now, 17:35:27
19 including but not limited to text messages 17:35:30
20 or e-mails drafted or sent by you from the 17:35:32
21 beginning of your employment period to the 17:35:36
22 present. 17:35:38
23 What did you do to look for 17:35:39
24 documents responsive to that request? 17:35:40
25 A. My cell phone, I tried to 17:35:46

1 request that from my AT&T provider. They 17:35:48
2 can only give it for a few months. They 17:35:52
3 can only back up for a few months. That's 17:35:56
4 why my bill was August till December, I 17:35:59
5 believe. 17:36:07

6 Q. Did you look at your e-mails to 17:36:07
7 see if you had any documents responsive to 17:36:11
8 this request? 17:36:15

9 A. All my e-mails I sent it to 17:36:16
10 you -- I sent it to my lawyer. 17:36:22

11 Q. Okay. And roughly how many 17:36:25
12 e-mails did you find that you sent along? 17:36:27

13 A. I can't remember now, but less 17:36:31
14 than 100. 17:36:35

15 Q. Did you also look for text -- 17:36:38
16 text messages? 17:36:39

17 A. Yes. 17:36:41

18 Q. How did you look for text 17:36:42
19 messages? 17:36:44

20 A. I searched texts with 17:36:45
21 David Curtis on the name. It's all been 17:36:49
22 deleted already. 17:36:52

23 Q. Did you search for any other 17:36:53
24 texts other than with Mr. Curtis? 17:36:58

25 A. No. 17:37:02

1 Q. So do you know if you still have 17:37:02
2 text messages and e-mails with other 17:37:05
3 coworkers? 17:37:08

4 A. It's all deleted already. 17:37:11

5 Q. When did you delete them? 17:37:12

6 A. Well, I changed phone, right? 17:37:14

7 Q. I thought you changed phone -- 17:37:18
8 phones while you were at Prime Now. 17:37:20

9 A. Yes. I changed phone again 17:37:23
10 last -- last -- two weeks ago. 17:37:27

11 Q. Oh. So -- okay. And what did 17:37:29
12 you do with the phone that you had two 17:37:34
13 weeks ago that you just replaced? 17:37:36

14 A. Well, because it fell, it broke. 17:37:39

15 Q. What did you do with it? 17:37:43

16 A. I threw it. I surrendered it to 17:37:45
17 T-Mobile. 17:37:49

18 Q. So the cell phone that you had 17:37:50
19 for the majority of your employment with 17:37:56
20 Prime Now is no longer in your possession? 17:37:58

21 A. No longer. 17:38:01

22 Q. Okay. And did you search for 17:38:05
23 text messages on the phone you used during 17:38:15
24 your employment when you received this 17:38:20
25 request in October of 2020? 17:38:24

1 (Exhibit 1, Notice of Deposition 17:40:53
2 of Mario Mabanta, marked for 17:40:53
3 identification.) 17:40:56
4 MS. MARYOTT: I assume that's 17:40:56
5 okay with you, Counsel. 17:40:57
6 MS. BAKER: Agreed. 17:40:58
7 MS. MARYOTT: Okay. So I 17:40:59
8 thought I'd be done, but in light of 17:41:00
9 the fact that Mr. Mabanta did not 17:41:03
10 search his e-mails for all of his 17:41:04
11 communications, I'm not going to close 17:41:07
12 the deposition. 17:41:10
13 We can confer about that -- and 17:41:11
14 likely not need to come back, but I 17:41:14
15 don't want to rule out the possibility 17:41:17
16 that that will be necessary based on 17:41:18
17 what he's testified. 17:41:23
18 MS. BAKER: It's your 17:41:24
19 deposition. 17:41:25
20 MS. MARYOTT: But I don't have 17:41:27
21 any more questions for today. 17:41:28
22 THE VIDEOGRAPHER: Close it out? 17:41:31
23 (Reporter clarification.) 17:41:31
24 THE VIDEOGRAPHER: Are we ready 17:41:41
25 to close it out? 17:41:41

1 MS. BAKER: Yes. 17:41:42

2 THE VIDEOGRAPHER: This 17:41:44

3 concludes the videotaped deposition of 17:41:45

4 Mario Mabanta. We're off the record 17:41:48

5 at 5:41 p.m. 17:41:50

6 THE COURT REPORTER: Before 17:42:01

7 everyone signs off, if you could state 17:42:03

8 your transcript orders. You wanted a 17:42:04

9 rough? 17:42:05

10 MS. MARYOTT: We want a rough, 17:42:05

11 and what do you think is the normal 17:42:05

12 turnaround time? 17:42:05

13 THE COURT REPORTER: Within two 17:42:05

14 weeks. 17:42:05

15 MS. MARYOTT: And can we rush it 17:42:10

16 and do a week? 17:42:21

17 THE COURT REPORTER: Sure. 17:42:23

18 MS. BAKER: We'll order a copy 17:42:24

19 as well. We don't need a rush in a 17:42:27

20 week. We'll just order the normal 17:42:29

21 course. Whatever that turnaround time 17:42:32

22 is is fine. 17:42:33

23 (Time noted: 5:42 p.m.)

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MARIO MABANTA

Subscribed and sworn to
before me this -----

day of ----- 2021.

Notary Public

CERTIFICATION

I, BELLE VIVIENNE, a Nationally
Certified Realtime Reporter, do hereby
certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of August 2021.

Belle Vivienne

BELLE VIVIENNE, CRR, CCR, RPR

* * *

1 MR. MARIO MABANTA

2 maroomarool1112@gmail.com

3 August 19, 2021

4 RE: MARIO MABANTA v. PRIME NOW LLC

5 8/12/2021, MARIO MABANTA, JOB NO. 4755040

6 The above-referenced transcript has been
7 completed by Veritext Legal Solutions and
8 review of the transcript is being handled as follows:

9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
10 to schedule a time to review the original transcript at
11 a Veritext office.

12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.

20 ___ Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.

23 ___ Signature Waived - Reading & Signature was waived at the
24 time of the deposition.

25

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1 _x_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.

9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

1 MARIO MABANTA v. PRIME NOW LLC
2 MARIO MABANTA (JOB NO. 4755040)
3 E R R A T A S H E E T
4 PAGE_____ LINE_____ CHANGE_____
5 _____
6 REASON_____
7 PAGE_____ LINE_____ CHANGE_____
8 _____
9 REASON_____
10 PAGE_____ LINE_____ CHANGE_____
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16 PAGE_____ LINE_____ CHANGE_____
17 _____
18 REASON_____
19 PAGE_____ LINE_____ CHANGE_____
20 _____
21 REASON_____
22 _____
23 _____
24 WITNESS _____ Date _____
25

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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